

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF NOVEMBER 4, 2005

(Published November 12, 2005 in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
November 4, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Johnson Lee, Niziolek, Benson, Goodman, Lane, Sanuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, President Ostrow.

Lilligren moved adoption of the agenda. Seconded.

Niziolek moved to amend the agenda to delete the motion by Niziolek to consider the application submitted by the Poodle Club (3001 E Lake St) for an On-Sale Liquor Class B (Change in ownership). Seconded.

Adopted upon a voice vote 11/4/05.

Schiff moved to amend the agenda to add a motion to introduce the subject matter of an ordinance amending Title 12, Chapter 250 regarding Truth in Sale of Housing and inspections. Seconded.

Adopted upon a voice vote 11/4/05.

Lilligren moved acceptance of the minutes of the regular meeting held October 21, 2005. Seconded.

Adopted upon a voice vote 11/4/05.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/4/05.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270756)

Land Sales: 2009, 2021, 2025 and 2027 James Av N to The Ackerberg Group; 2657 14th Av S to Prima Land, Inc.

Affordable Housing Trust Fund: Allocations to projects.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270757)

St. Anthony Mills Apartments (SAMA) Project (720 Washington Av S): Sale of the property and an air rights parcel to BD St. Anthony Mills Limited Partnership; Issuance of a Pay-As-You-Go Tax Increment Revenue Note; Approve new terms of the previously approved Affordable Housing Trust Fund Loan, Metropolitan Council Tax Base Revitalization Account funding, Affordable Housing Reserve Fund loan and Downtown Minneapolis Neighborhood Assn's NRP funding; Execute Parking Agreement with for spaces in the Mill Quarter Municipal Ramp; Authorize enter into a Reciprocal Maintenance, Use and

Easement Agreement and such rights of entries, encroachment permits and similar agreements as are needed to implement an early construction start.

Year 2004 Bonding Authority with St. Paul: Approve Joint Powers Agreement.

Bid for Renovation of 3207 Bryant Av N: Accept low bid of Ram Construction and Remodeling.

Village at St. Anthony Falls Project: Authorize issuance of Tax Increment Revenue Refunding Bonds & termination of the Block 3 Minimum Assessment Agreement.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270758)

Welfare Reform Program: Amend contract with Hennepin County to increase by \$15,000 to perform an evaluation of the Employment and Training Service Providers.

HEALTH AND FAMILY SUPPORT SERVICES (270759)

Senior Citizen Advisory Committee: Approve appointment of Rosemarie Gilbert (Ward 8) for two-year term to expire December 31, 2006.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270760)

Steps to a Healthier Minneapolis Project: Execute contract with Clearwater Research to provide telephone survey services concerning the health and well being of 6,500 Minneapolis adults (\$264,300).

INTERGOVERNMENTAL RELATIONS:

GRANTS AND SPECIAL PROJECTS (270761)

Third Quarter Report for 2005.

INTERGOVERNMENTAL RELATIONS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270762)

2005 Metropolitan Council System Statement: City of Minneapolis response.

PUBLIC SAFETY AND REGULATORY SERVICES:

FIRE DEPARTMENT (270763)

Fire Department Business Plan: Update.

POLICE DEPARTMENT (270764)

Minneapolis Strategic Safety Partnership: Report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (270765)

Chapter 249 Property at 3208-10 2nd St N: Authorize demolition; and Direct staff to delay issuing bid specifications to demolition contractors for 30 days.

PUBLIC WORKS AND ENGINEERING (270766)

Taxicab College: Amend contract with Hennepin Technical College to provide taxicab driver training through December 31, 2005, and increase amount by \$5,355.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (270767)

Police Department Donation: Accept donated office space and amenities located at 1911 W Broadway from R. S. Eden for Police Department meetings.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270768)

Heritage Park Phase 3 Public Improvements (Rental Housing) Public Hearing: Adopt and levy special assessments.

Water and Sewer Line Repairs or Replacements Public Hearing: Adopt and levy assessments.

Stormwater Public Hearing: a) Modify Runoff Coefficient Range for Multi-Family Residential land use category to .35-.50; b) Amend resolution decreasing Runoff Coefficient Range for Multi-Family Residential land use category to .40; and c) Apply modified coefficient to utility billing retroactively to March 1, 2005.

Driver/Operator Training, Testing Services and Standards: Enter into agreement with EK Pass Corp to provide services.

800 MHz Regional Radio System Project: Authorize change order with Motorola.

Sale of Excess City-Owned Land: Approve method of sale for 112 1/2 University Ave SE and 210 2nd Ave SE to adjacent property owner, and set public hearing.

PUBLIC WORKS AND ENGINEERING (270769)

Lyndale Avenue Reconstruction (Westbound Minnehaha Pkwy W to 31st St W), County Project No 9338: Approve Hennepin County Department of Transportation layout dated November 2004.

Midtown Greenway Bicycle Station: Authorize lease agreement between Allina Health Systems and City for construction of bicycle station, with provisions; and authorize sublease agreement between Allina Health Systems and City, with provisions.

Disability Zones and No Turn On Red (NTOR) Signs: Authorize City Engineer to administratively install/remove.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270770)

LynLake Municipal Parking Lots Public Hearing: Adopt and levy special assessment.

Nicollet Mall Improvement, Maintenance, and Operation Assessments Public Hearing: Adopt and levy assessments.

Impound Lot: a) Increase tow fees to \$138 per tow; b) Increase tow fees per contractor, effective 10/1/05; and c) Approve appropriation.

Nicollet Mall Site Improvements: Construction change order with L.S. Black Constructors, Inc.

Pump Station No. 4: Authorize contract with Sebesta Blomberg & Associates, Inc. for Control System and PLC Development and Assistance for Electrical Engineering Services.

Chemical Storage Building: Authorize RFP.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270771)

Legal Settlements: a) Cheryl Bryant; and b) Haaron A. WazWaz.

BUSINESS INFORMATION SERVICES (270772)

Qwest Master Network Interstate Service Agreement: Amend Master agreement to: a) extend agreement for 3 years; b) add next generation services; and c) increase contract value to \$1,650,000.

COORDINATOR (270773)

Living Wage and Responsible Public Spending: Ordinance amending Title 2 of the Minneapolis Code of Ordinances, by adding a new Chapter 38.

New Central Library Project: Approving Change Order No. 2 increasing Contract Number C-21852 with PCL Construction Services, Inc.

New Central Library Project - Bid Package No. 8: Accept OP# 6511 Low bids for Contract Category #16 - Furniture, Fixtures & Equipment with the following companies; a) Target Commercial Interiors; b) Architectural Brass; c) Artifex Millwork, Inc.; d) General Office Products; e) Helmut Guenschel; f) Henricksen; g) Intereum; and h) Principle Fixtures and Millwork.

FINANCE DEPARTMENT (270774)

City Representative to Minneapolis Police Relief Association and Minneapolis Firefighters Relief Association: Appointment of Heather Johnston (Director, Management and Budget).

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (270775)

Sears, Roebuck & Company (2843 Elliot Ave): Landmark designation of mail-order warehouse & retail store.

INSPECTIONS/BOARD OF ADJUSTMENT (270776)

Appeal:

Michael Raeker, for Denise Bryn (500 Main St NE): Re variance for detached garage.

PLANNING COMMISSION/DEPARTMENT (270777)

Appeals:

Signia Design (re U of M Medical Center-Fairview campus, 500 Harvard St SE and 2414-7th St S): Re variances for signage.

Rezoning:

Super Circus, LLC (re St Sabrina's Parlor, 2645 Hennepin Ave).

Zoning Code Text Amendments:

Ordinance amending Title 20, Chapter 529 to bring provisions of zoning ordinance regulating interim ordinances into conformance with recent changes in State statute;

Ordinances amending Title 20, Chapters 548, 549 & 550, to establish a reasonable limit on the minimum interior side & rear yard requirements for residential & hotel uses where such required yards are based on the height of the building.

Vacation:

North Second Street Steel Supply Company (2212 N 2nd St): Re portion of 23rd Ave N between 2nd St N & 1st St N.

FILED (See Rep):

CITY CLERK (270778)

Electrical Inspections: Transcripts of Public Safety & Regulatory Services Committee, Committee of the Whole, and City Council Meetings relating to request to repeal Ordinances amending Title 5 of Code relating to Building Code, Chapter 91 relating to Permit Fees, Article III Electrical Permit Fees; and Chapter 99 relating to Electricity, Article I Generally & Article II Permits & Licenses. *(See Report of 9/23/05)

The following reports were signed by Mayor Rybak on November 10, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the properties at 2009 James Av N for \$17,250, 2021 James Av N for \$17,700, 2025 James Av N for \$16,400 and 2027 James Av N for \$16,400 to The Ackerberg Group, Inc, or an affiliated entity, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 11/4/05.

Resolution 2005R-592, authorizing the sale of 2009, 2021, 2025 and 2027 James Av N for to The Ackerberg Group, Inc., was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-592
By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No's TF-189, JOR 89-8, 7 & 6.

Whereas, the City of Minneapolis, hereinafter known as the City, has received offers to purchase and develop Disposition Parcels TF-189, JOR 89-8, 7 & 6, in the Jordan neighborhood, from Ackerberg Group, Inc. or an affiliated entity, hereinafter known as the Redeveloper, the Parcels TF-189, JOR 89-8, 7 & 6, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

(See Exhibit A in Petn No 270757)

Whereas, the Redeveloper has offered to pay the sum of \$17,250 (2009 James Av N); \$17,700 (2021 James Av N); \$16,400 (2025 James Av N), and \$16,400 (2027 James Av N), for Parcels TF-189, JOR 89-8, 7 & 6 to the City for the land, and the Redeveloper's proposals are in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use values reviewed by an appraisal expert, stating that the re-use value opinions are consistent with the accepted methods in aiding the City in determining a re-use values for the Parcels; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 14, 2005, a public hearing on the proposed sale was duly held on October 25, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use values for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$17,250 (2009 James Av N); \$17,700 (2021 James Av N); \$16,400 (2025 James Av N), and \$16,400 (2027 James Av N) for Parcels TF-189, JOR- 89-8, 7 & 6.

Be It Further Resolved that the acceptance of the offers and proposals are hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcels in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposals be and the same are hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/4/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 2657 14th Av S to Prima Land, Inc. for \$25,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 11/4/05.

Resolution 2005R-593, authorizing the sale of 2657 14th Av S to Prima Land, Inc., was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-593

By Goodman

Authorizing sale of land Model City Disposition Parcel No's MC 191-17, 18 & 19A.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 191-17, 18 & 19A, in the Phillips neighborhood, from Prima Land, Inc., hereinafter known as the Redeveloper, the Parcel MC 191-17, 18 & 19A, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 10 and the South 10 feet of Lot 11, Vroomans Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$25,000, for Parcel MC 191-17, 18 & 19A to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on October 14, 2005, a public hearing on the proposed sale was duly held on October 25, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Model City plan, as amended, is hereby estimated to be the sum of \$25,000 for Parcel MC 191-17, 18 & 19A.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided,

however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/4/05.

Comm Dev – Your Committee, having received recommendations for allocation of 2005 Affordable Housing Trust Funds (AHTF), now recommends passage of the accompanying resolution approving up to \$3,890,339 in AHTF monies for the proposal indicated and up to \$181,000 from the Non-Profit Development Assistance Fund.

Your Committee further recommends that the proper City officers be authorized to execute necessary documents relative to the AHTF and Non-Profit Development Assistance funds.

Adopted 11/4/05.

Resolution 2005R-594, approving the allocation of 2005 Affordable Housing Trust Funds, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-594

By Goodman

Allocating 2005 Affordable Housing Trust Funds (AHTF).

Resolved by The City Council of The City of Minneapolis:

That the following allocations of AHTF monies totaling up to \$3,890,339 and Non-Profit Development Assistance funds up to \$181,000 be approved:

1) Up to \$600,000 from the AHTF for Agape Apartments located at 2000 West Broadway by Agape Apartments Limited Partnership with Legacy Management & Development, Welsh Companies, and Oasis of Love, Inc. as general partners or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

2) Up to \$300,000 from the AHTF and \$30,000 from the Non-Profit Assistance fund for Alliance Addition at 724 E. 17th Street by Central Community Housing Trust or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

3) Up to \$523,177 from the AHTF and \$29,000 from the Non-Profit Assistance fund for Bridge Center for Youth at 2xxx Emerson Avenue South by The Bridge for Runaway Youth, Inc. or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

4) Up to \$200,000 from the AHTF for Elliot Park Apartments located 719 East 14th Street, 727 East 14th Street, 1516 Elliot Avenue, and 1601 Elliot Avenue by Community Housing Development Corporation or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

5) Up to \$275,000 from the AHTF for Franklin Gateway – The Wellstone at 1931 Portland Avenue by Franklin-Portland Gateway Phase II Limited Partnership with Hope Community, Inc. and Central Community Housing Trust as general partners or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan;

6) Up to \$418,407 from the AHTF and up to \$30,000 from the Non-Profit Assistance fund for Lovell Square located at 1012-14 Irving Avenue North, 1042 Irving Avenue North; 1115 Humboldt Avenue North; 1111-15 James Avenue North; 1205-07 Humboldt Avenue North; 1205-07 Irving Avenue North; 1216 James Avenue North, and 1419-21 – 11th Avenue North by Northside Residents Redevelopment Council or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan, contingent upon the Inter Agency Stabilization Group's (ISG) development of a satisfactory overall project stabilization plan leading to the long term stabilization of this project;

7) Up to \$99,572 from the AHTF for the Maynidoowahdak Odena project located at 1321-1351 E. 23rd Street by Indigenous Peoples Task Force;

8) Up to \$273,849 from the AHTF and \$24,000 from the Non-Profit Assistance fund for the Minnesota Indian Women's Resource Center Supportive Housing located at 2300 – 15th Avenue South by Minnesota Indian Women's Resource Center and extension of the term of the existing deferred debt against the property to run concurrently with the proposed new deferred loan financing, to assign the loan to the new borrowing entity (if necessary) and to modify the terms of the loan to meet the Community Planning and Economic Development (CPED) Department's current AHTF loan origination guidelines;

9) Up to \$171,814 from the AHTF and \$8,000 from the Non-Profit Assistance fund for the North Haven Apartments located at 2216 Clinton Avenue by Plymouth Housing LLC or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan; and

10) Up to \$336,520 from the AHTF and \$30,000 from the Non-Profit Assistance fund for the PPL Southside Recap Project located at 3312 – 4th Avenue South, 205 West 26th Street, 2746 Pleasant Avenue South, 3044 – 5th Avenue South, 3521 – 2nd Avenue South, 3628 Columbus Avenue South and 2835 Park Avenue by Southside Community Limited Partnership with Project for Pride in Living, Inc. as general partner or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan and extension of the term of the existing deferred debt against the seven properties to run concurrently with the proposed new deferred loan financing, to assign the loans to the new borrowing entity and to modify the terms of the loans to meet the Community Planning and Economic Development (CPED) Department's current AHTF loan origination guidelines.

Adopted 11/4/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget – Your Committee, having under consideration the sale of land and other actions related to the St. Anthony Mills Apartments (SAMA) Project to be located at 720 Washington Av S, now recommends:

a) Passage of the accompanying resolution authorizing the sale of the property located at 720 Washington Av S and an air rights parcel to be created by vertical subdivision of Lot 2, Block 1, The New Mills District Second Addition and described as "Tract C" on the registered land survey (included in Petn No 270757) to BD St. Anthony Mills Limited Partnership for \$480,944 for the development of SAMA;

b) Passage of the accompanying resolution authorizing the issuance of a Pay-as-you-go Tax Increment Limited Revenue Note to BD St. Anthony Mills Limited Partnership in a principal amount not to exceed \$1,234,100;

c) Approval of the new terms of the previously approved \$1,200,248 Affordable Housing Trust Fund loan, the \$250,000 Hennepin County Transit ORIENTED Development funding, the \$121,194 Metropolitan Council Tax Based Revitalization Account funding, the \$400,000 Affordable Housing Reserve Fund loan and the \$500,097 Downtown Minneapolis Neighborhood Association's NRP funding to SAMA (as described in Petn No 270757);

d) Authorization for the proper City officers to enter into a Parking Agreement with BD St. Anthony Mills Limited Partnership for 76 spaces in the Mill Quarter Municipal Ramp for the long-term parking needs of the SAMA project;

e) Authorization for the proper City officers to enter into a Reciprocal Maintenance, Use and Easement Agreement with BD St. Anthony Mills Limited Partnership addressing mutual easement and operational issues pertaining to the air rights, liner and ramp parcels;

f) Authorization for the proper City officers to enter into such rights of entries, encroachment permits and similar agreements as are needed to implement an early construction start as described herein;

g) Approval to utilize \$218,824 from the Development Account (Fund SDA) specifically for extraordinary construction costs related to the building interface between the SAMA housing development and the public parking ramp as a deferred Affordable Housing Trust Fund loan to BD St. Anthony Mills Limited Partnership or an affiliate of the Borrower established for the purpose of holding or owning real estate subject to the City loan and structured as a deferred AHTF loan to be consistent with AHTF standards and subject to the requires of the tax credit limited partner;

h) Passage of the accompanying resolution increasing the CPED appropriation for the Development Account by \$218,824;

i) Authorization for the proper City officers to execute loan, lease and other documents necessary to implement said actions.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

(Published 11/9/05)

Resolution 2005R-595, authorizing the sale of the property located at 720 Washington Av S and an air rights parcel (Disposition Parcel No. D-3 and D-4) to BD St. Anthony Mills Limited Partnership, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-595
By Johnson

Authorizing sale of land St. Anthony Mills Apartments Disposition Parcel No. D-3 & D-4.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel D-3 & D-4, in the Downtown Minneapolis neighborhood, from BD St. Anthony Mills Limited Partnership, hereinafter known as the Redeveloper, the Parcel D-3 & D-4, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lots 3 and 4, Block 1, The New Mills District Second Addition and

Tract C - a 40 x 97 square foot air rights parcel to be created by pending vertical subdivision of Lot 2, Block 1, The New Mills District Second Addition.

Whereas, the Redeveloper has offered to pay the sum of \$480,944, for Parcel D-3 & D-4 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in Finance and Commerce on September 30, 2005, a public hearing on the proposed sale was duly held on October 11, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the St. Anthony Mills Apartments plan, as amended, is hereby estimated to be the sum of \$480,944 for Parcel D-3 & D-4.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the

provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

Resolution 2005R-596, authorizing the issuance of a Pay-as-you-go Tax Increment Limited Revenue Note to BD St. Anthony Mills Limited Partnership in a principal amount not to exceed \$1,234,100, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-596
By Johnson

Authorizing the issuance of a tax increment limited revenue note in substantially the form recited herein in a principal amount not exceeding \$1,234,100 in connection with the St. Anthony Mills Apartments Project.

Whereas, the City of Minneapolis (the "City"), acting pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, has certain powers, including without limitation the powers set forth in Minnesota Statutes, Sections 469.001 through 469.047, as amended (the "HRA Act") and Minnesota Statutes, Sections 469.174 through 469.179, as amended (the "TIF Act"); and

Whereas, in furtherance of the objectives of the HRA Act, the City has undertaken programs for the clearance and reconstruction or rehabilitation of blighted, deteriorated, deteriorating, vacant, unused, underused or inappropriately used, areas of the City, and the development of housing for persons of low and moderate incomes, and in this connection the City is carrying out a redevelopment project known as the Industry Square Redevelopment Project (the "Project") pursuant to the Industry Square Redevelopment Plan, as amended through Modification No. 20, which is dated June 24, 2005 and adopted of even date herewith (the "Redevelopment Plan"); and

Whereas, in furtherance of the Redevelopment Plan, the City has also approved the St. Anthony Mills Apartments Tax Increment Financing Plan dated June 24, 2005, and adopted of even date herewith (the "TIF Plan"); and

Whereas, pursuant to the TIF Act, including Minnesota Statutes, Section 469.178, subd. 4, the City is authorized to issue its tax increment limited revenue note(s) to finance the public redevelopment costs of the Project, which in this case are limited by Minnesota Statutes, Section 469.176, subd. 4d, to costs of a housing project as defined in Minnesota Statutes, Sections 469.174, subd. 11, and 469.1761, including public improvements directly related to the housing project and allocated administrative expenses; and

Whereas, the City has entered or will enter into a redevelopment contract (the "Redevelopment Contract") with BD St. Anthony Mills Limited Partnership (the "Developer"), pursuant to which the City will provide tax increment financing assistance, among other things, and the Developer will construct a 93-unit rental housing development with approximately 5,500 square feet of commercial space and related improvements;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

1. That it is desirable that the City issue a tax increment limited revenue note (the "Note") in substantially the following form:

[Form of Note]

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

**CITY OF MINNEAPOLIS
TAX INCREMENT LIMITED REVENUE NOTE
(St. Anthony Mills Apartments Project)**

The City of Minneapolis (the "City"), hereby acknowledges itself to be obligated and, for value received, promises to pay to the order of BD St. Anthony Mills Limited Partnership, a Minnesota limited partnership (the "Developer"), solely from the source, to the extent and in the manner hereinafter provided, the principal amount of this Note, being \$1,234,100 or such lesser amount as may equal the Public Costs, with interest at the Note Rate, in the installments specified in this Note, on the Payment Dates.

Capitalized terms not defined elsewhere in this Note shall have the meanings below:

"Available Tax Increment" means the Tax Increment received by the City during the period preceding each Payment Date, less (i) the amount of Tax Increment, if any, which the City must pay to the school district, the county and the state pursuant to *Minnesota Statutes*, Sections 469.177, subds. 9, 10, and 11; 469.176, subd. 4h; and 469.175, subd. 1a, as the same may be amended from time to time; and (ii) actual administrative costs of the City in an amount not to exceed 10% of the Tax Increment.

"Contract" means that certain Redevelopment Contract by and between the City and the Developer dated [TBD], 2005.

"District" means the St. Anthony Mills Apartments (SAMA) Tax Increment Financing District within the Project.

"Maturity Date" means the earlier of (i) February 1 of the year following the final year of Tax Increment collection from the District; and (ii) the date when the principal and interest amount of this Note has been paid in full.

"Minimum Improvements" means new construction of a 5-story building containing 93 rental housing units and approximately 5,500 square feet of commercial space and related improvements as described in the Contract.

"Note Rate" means 5.6% annual interest.

"Payment Date" means August 1 of the year of first increment collection from the District and each August 1 and February 1 thereafter until the Maturity Date.

"Project" means the Industry Square Redevelopment Project, as amended.

"Property" means the real property legally described in the attached **Exhibit A**.

"Public Costs" means actual costs of the portion of the Minimum Improvements that constitutes a housing project as defined in Minnesota Statutes, Sections 469.174, subd. 11, and 469.1761, including any public improvements directly related to the housing project that are incurred by the Developer and approved by the City pursuant to Section 3.02 of the Contract.

"Public Costs Certification" means a certificate in substantially the form attached to the Contract, by which the City certifies the Public Costs pursuant to the terms of the Contract.

"Tax Increment" means that portion of the property taxes generated by the Property and Minimum Improvements that is actually remitted to the City as tax increment under the Tax Increment Act.

"Tax Increment Act" means *Minnesota Statutes*, Section 469.174-469.179, as amended, or any successor statutes applicable to the District.

On each Payment Date, the City shall pay the Developer an installment equal to the lesser of (i) the Available Tax Increment or (ii) the amount necessary to pay the accrued unpaid interest and the unpaid principal amount of this Note in full. If, before the issuance of the Certificate of Completion (as defined in the Contract), the Developer defaults under the Contract and such default has not been cured within the time period provided in the Contract, then the City may suspend payment on this Note until the default is cured or the Contract and the City's obligations under this Note are terminated. If the City suspends payments due under the Note, the City shall make the suspended payments to the Developer within five (5) business days after the Developer has cured the default. The City is not obligated to pay interest on the amount of the suspended payments between the date the payment is suspended and the last date on which the City is obligated to make the suspended payments to the Developer. If all or a portion of the property taxes due and owing on the Minimum Improvements are not paid, then upon such failure to pay, no interest as required by the Note shall accrue on an amount equal to the amount

of the Available Tax Increment that would have been paid to the City had such property tax amounts been paid.

Interest shall accrue on the initial principal amount of this Note from the date of issue of the Public Costs Certification. Each payment under this Note, whether a scheduled payment or any other payment, shall be applied first to current interest, then to accrued unpaid interest and then to the unpaid principal amount of this Note.

On the Maturity Date, this Note shall be deemed paid in full and the City shall have no further obligation under this Note even if the aggregate of the Available Tax Increment that has actually been paid to the Developer on the Payment Dates is less than the full principal and interest amount of this Note. The obligation of the City to make any scheduled payment shall terminate if and to the extent that the full principal and interest amount of this Note has been paid in full. This Note may be prepaid in full or in part at any time without penalty.

Each payment on this Note is payable in any coin or currency of the United States of America which on the date of such payment is legal tender for public and private debts and shall be made by wire transfer pursuant to written wire instructions provided by the Developer or by check or draft made payable to the Developer and mailed to the Developer at 614 North First Street, Suite 100, Minneapolis, Minnesota 55401, or such other address as the Developer shall provide in writing to the City's notice address as set forth in the Contract.

The Note is a special and limited obligation and not a general obligation of the City, which has been issued by the City pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including *Minnesota Statutes*, Section 469.178, subdivision 4, to aid in financing a "project", as therein defined, of the City consisting generally of defraying certain public redevelopment costs incurred by the Developer within and for the benefit of the project.

THE NOTE IS NOT A DEBT OF THE STATE OF MINNESOTA (THE "STATE"), OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY OF MINNEAPOLIS, MINNESOTA, EXCEPT THAT THE CITY SHALL BE OBLIGATED TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, AND NEITHER THE STATE NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE CITY, SHALL BE LIABLE ON THE NOTE, EXCEPT FOR THE CITY'S OBLIGATION TO MAKE PAYMENTS FROM AVAILABLE TAX INCREMENT AS SET FORTH HEREIN, NOR SHALL THE NOTE BE PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN AVAILABLE TAX INCREMENT AS SET FORTH HEREIN.

This Note shall not be transferred to any person, unless the City has been provided with an opinion of counsel acceptable to the City that such transfer is exempt from registration and official statement delivery requirements of federal and applicable state securities law and an investment letter reasonably acceptable to the City.

This Note shall not be payable from or constitute a charge upon any funds of the City, and the City shall not be subject to any liability hereon or be deemed to have obligated itself to pay hereon from any funds except the Available Tax Increment, and then only to the extent and in the manner herein specified.

The Developer shall never have or be deemed to have the right to compel any exercise of any taxing power of the City or of any other public body, and neither the City nor any person executing or registering this Note shall be liable personally hereon by reason of the issuance of registration thereof or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and the laws of the State of Minnesota to be done, to have happened, and to be performed precedent to and in the issuance of this Note have been done, have happened, and have been performed in regular and due form, time, and manner as required by law; that this Note is issued pursuant to the Tax Increment Act; and that this Note together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation thereon.

In Witness Whereof, the City of Minneapolis, by action of its Mayor and City Council, has caused this Note to be executed by the manual signature of its Finance Officer, and has caused this Note to be dated _____, 200__.

City of Minneapolis

By Patrick Born
Its Finance Officer

Approved as to form:

Assistant City Attorney

Exhibit A to Note

[Legal Description of the Property]

2. Be It Further Resolved that the form of the Note is hereby approved and shall be executed by the Finance Officer in substantially the form on file, with such changes therein not inconsistent with law as the Finance Officer may approve, which approval shall be conclusively evidenced by the execution thereof.

3. Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the issuance of the Note are hereby approved, ratified and confirmed.

4. Be It Further Resolved that the sale of said Note to the Developer is hereby approved, and the Note is hereby directed to be sold to the Developer, upon the terms and conditions set forth in the Redevelopment Contract.

5. Be It Further Resolved that the Finance Officer is hereby authorized and directed to execute such other documents, agreements and certificates as may be required in connection with the Note.

6. Be It Further Resolved that no provision, covenant or agreement contained in the aforementioned documents, the Note or in any other document related to the Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the tax increment revenues which are to be applied to the payment of the Note, as provided therein and in the Redevelopment Contract. The Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property or funds of the City except that revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Note shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Note or the interest thereon, or to enforce payment hereon against any property of the City. The Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. Be It Further Resolved that the Note, when executed and delivered, shall contain a recital that it is issued pursuant to the TIF Act, and such recital shall be conclusive evidence of the validity of the Note and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Note and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Note and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

8. Be It Further Resolved that this resolution shall be in full force and effect from and after its date of publication.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

RESOLUTION 2005R-597

By Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Development Account Fund (SDA0-890-8952) by \$218,824.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.
(Published 11/9/05)

Comm Dev & W&M/Budget – Your Committee, having held a public hearing to consider the joint issuance of Year 2004 Bonding Authority with the City of St. Paul Planning and Economic Development, now recommends passage of the accompanying resolution approving a Joint Powers Agreement between the City of Minneapolis and the Housing and Redevelopment Authority of the City of St. Paul to jointly issue Year 2004 Housing Revenue Entitlement Bond Allocation of \$11,972,500.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.
(Published 11/9/05)

Resolution 2005R-598, authorizing a Joint Powers Agreement with the City of St. Paul to jointly issue Year 2004 Housing Revenue Bonds, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-598
By Goodman & Johnson

Giving approval to a housing program for University Carleton Development, LP, and authorizing the joint issuance of housing revenue bonds under Minnesota Statutes, Chapter 462C, as amended; and authorizing the execution of necessary documents.

Whereas, pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), the City of Minneapolis (the “City”) is authorized to issue revenue bonds for the purpose of making loans for low and moderate income housing projects; and

Whereas, University Carleton Development, LP, a Minnesota limited partnership (the “Company”) has proposed that the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the “HRA”) and the City jointly issue a portion of housing revenue bonds. The revenue bonds will be issued in three series in the aggregate principal amount of \$30,000,000 (the “Revenue Bonds”). The proceeds of the Revenue Bonds will be loaned to the Company to finance a portion of the costs of an approximately 169 unit rental housing development located at 2285 to 2341 University Avenue in the City of Saint Paul (the “Project”); and

Whereas, the City, pursuant to the Act, published a notice, a copy of which, with proof of publication, is on file in the office of the City Clerk of the public hearing on the proposal of the Company that the City and HRA jointly finance the Project and the City (through the Community Development Committee of the City Council) did conduct a public hearing pursuant to said notice on October 25, 2005, at which hearing all persons who appeared were given an opportunity to express their views with respect to the proposal which notice, publication and hearing are hereby in all respects approved; and

Whereas, pursuant to a Joint Powers Agreement to be entered into by and between the City and the HRA, the City will be the joint issuer with the HRA of a portion of the Revenue Bonds; and

Whereas, the proposal calls for the proceeds realized upon the sale of the Revenue Bonds to be loaned to the Company under a revenue agreement wherein the Company will be obligated to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City and HRA incident to the issuance and sale of the Revenue Bonds; and

Whereas, the HRA and City have been advised by representatives of the Company that the issuance of the tax exempt bonds will result in substantial savings in the Company’s capital costs; and

Whereas, the City, the HRA, the Company and the Underwriter (as defined below) of the housing revenue bonds have agreed upon sufficient details of the housing revenue bonds to enable the City to adopt this final bond resolution (the “Resolution”) on this date:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis, Minnesota, as follows:

Proposal for Issuance of Bonds. For the purpose of providing funds to finance the acquisition and construction of the Project the City hereby authorizes the issuance, sale and delivery of the Revenue Bonds. The Revenue Bonds will be in the aggregate principal amount of \$30,000,000; however, the City will be the joint issuer of not more than \$14,000,000 in principal amount and will provide \$11,972,500 of its 2004 Tax Exempt Bond Allocation which the City has heretofore carried forward to calendar year 2005. The Revenue Bonds shall be in such principal amounts, shall bear interest at the rates, shall be numbered, shall be dated, shall mature, shall be subject to redemption prior to maturity, and shall be in such form and have such other details and provisions as may be prescribed in the Indentures (referred to in paragraph 3 below), the forms of which are on file with the City; provided that the maximum interest rate on the Revenue Bonds issued as fixed rate bonds, excluding any taxable equity interest, shall not exceed 9.00% per annum; and the final maturity of the Revenue Bonds shall not be later than 50 years from their date of issuance. The Revenue Bonds shall be special obligations of the HRA and the City payable solely from the funds pledged pursuant to the Indentures. The Revenue Bonds are not to be payable from nor charged upon any funds of the City, the HRA or the City of Saint Paul ("Saint Paul") other than the revenues pledged to their payment, nor is the City or the HRA subject to any liability thereon; no holders of the Revenue Bonds shall ever have the right to compel any exercise of the taxing power of the City, the HRA or Saint Paul to pay any of the principal of, premium, if any, or interest on the Revenue Bonds; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, the HRA or Saint Paul, and each Revenue Bond shall recite that the Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof and that no Revenue Bond shall constitute a debt of either issuer within the meaning of any constitutional or statutory limitation. The Revenue Bonds shall contain a recital that they are issued pursuant to the Act and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

Bond Structure. Pursuant to two separate Loan Agreements, one for the Revenue Bonds to be issued as variable rate bonds (the "Variable Rate Bonds") and one for the Revenue Bonds to be issued as fixed rate bonds (the "Fixed Rate Bonds"), both to be dated as of November 1, 2005 (collectively, the "Loan Agreements"), the proceeds of the Revenue Bonds will be loaned to the Company to finance the Project. The payments to be made by the Company under the Loan Agreements are established so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Revenue Bonds when due. When executed, the right, title and interest of the HRA and City in, to and under, among other things, the Loan Agreements (except as herein provided) shall have been assigned to the Trustee pursuant to the Indentures between the HRA, the City, if appropriate, and the Trustee. It is further proposed that the HRA and City assign certain rights under the Loan Agreements to the Trustee as security for payment of the Bonds under the Indentures. The Variable Rate Bonds will be purchased by Dougherty Company, LLC (the "Underwriter") pursuant to a Bond Purchase Agreement among the HRA, the City, the Underwriter and the Company (the "Bond Purchase Agreement"). The Fixed Rate Bonds will be privately placed with accredited investors. The Company will operate the Project in compliance with the provisions of a Regulatory Agreement by and among the HRA, the Trustee and the Company (the "Regulatory Agreement"). A Tax Compliance Agreement among the Company, the HRA and the Trustee dated as of November 1, 2005 (the "Tax Compliance Agreement") will set forth certain requirements in order to assure the tax exempt status of the Bonds. A Joint Powers Agreement (the "Joint Powers Agreement") among the HRA and the City has been prepared pursuant to which the City and the HRA have agreed to jointly issue up to \$14,000,000 in principal amount of the Revenue Bonds.

Forms of Documents Submitted. Pursuant to the preliminary approval of this Council, forms of the following documents have been submitted to the Council for approval: the Bond Purchase Agreement; the Loan Agreement for the Fixed Rate Bonds; the Loan Agreement for the Variable Rate Bonds; the Indenture of Trust for the Fixed Rate Bonds; the Indenture of Trust for the Variable Rate Bonds; the Tax Compliance Agreement; the Regulatory Agreement; and the Joint Powers Agreement.

Findings. It is hereby found, determined and declared that: the Project will further the policies of the Act; the Project promotes the public welfare by providing necessary housing facilities, so that adequate housing facilities are available to people who work in the City at a reasonable cost; the Act authorizes the acquisition, construction and installation of the facilities and equipment to be financed by the Revenue Bonds, the issuance and sale of the Revenue Bonds, the execution and delivery of the

Joint Powers Agreement and the Indentures (collectively the "Bond Documents"), the performance of all covenants and agreements of the City and HRA contained in the Bond Documents, and the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the Bond Documents and Bonds valid and binding obligations of the City and HRA in accordance with their terms; it is desirable that the Revenue Bonds be issued by the City and the HRA upon the terms set forth in the Indentures; the payments under the Loan Agreements are established to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Revenue Bonds issued under the Indenture when due, and the Loan Agreements and Indentures also provide that the Company is required to pay all expenses of the operation and maintenance of the facilities to be financed by the Revenue Bonds, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the premises of said facilities and payable during the terms of the Loan Agreements and Indentures; as provided in the Loan Agreements and Indentures, the Revenue Bonds are not to be payable from or charged upon any funds other than the revenue pledged to the payment thereof; the City, the HRA and Saint Paul are not subject to any liability thereon; no holder of any Revenue Bond shall ever have the right to compel any exercise by the City, the HRA or Saint Paul of its or their taxing powers to pay any of the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City, the HRA or Saint Paul except the interests of the City, the HRA and Saint Paul in the Loan Agreements which have been assigned to the Trustee under the Indentures; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, the HRA or Saint Paul except the interests of the City, the HRA and Saint Paul in the Loan Agreement which have been assigned to the Trustee under the Indentures; the Revenue Bonds shall recite that the Revenue Bonds do not constitute or give rise to a pecuniary liability or moral obligation of the City, the HRA, Saint Paul, the State of Minnesota or its political subdivisions, and that the Revenue Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Revenue Bonds shall not constitute a debt of the City, the HRA or Saint Paul within the meaning of any constitutional or statutory limitation.

Approval of Forms; Execution. Subject to the provisions of paragraph 9 hereof, the forms of the Bond Documents and exhibits thereto and all other documents listed in paragraph 3 hereof are approved substantially in the form submitted. The applicable Indenture, Joint Powers Agreement and Bond Purchase Agreement, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the Finance Officer. Pursuant to the Joint Powers Agreement the City has delegated to the HRA the authority to sign all of the other documents described in Paragraph 3. Any other City documents and certificates necessary to the transaction described above shall be executed by the appropriate City officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Loan Agreements and Indentures.

Official Statement. The City hereby consents to the preparation and distribution of the Official Statement for the Variable Rate Bonds; provided that it is understood that the City has relied upon the Company and the Underwriter and legal counsel retained by them to assure the accuracy and completeness of the information set forth in the Official Statement and that therefore the City has not made, and will not make, any representations or warranties with respect to the information contained therein, except under the heading "The City". The drafts of the Official Statement on file with the City are hereby designated as "near final" offering memoranda for purposes of Rule 15-c2-12 of the Securities Exchange Commission.

Issuance. The City, jointly with the HRA shall proceed forthwith to issue the Bonds, in the form and upon the terms set forth in the applicable Indenture and this Resolution, if and to the extent the City officers determine to proceed with the Project which determination shall be deemed made upon execution of the Bond Documents by the City officers. The Bonds shall be payable or prepayable at such time or times, shall bear interest at such rates and shall be subject to such other terms and conditions as set forth in the Indentures and that the City officers, the Underwriter and the Company shall agree to, which agreement shall be deemed to have been made upon execution of the Indentures by the City officers. The City officers are authorized and directed to execute and deliver the Bonds as prescribed in the Indentures.

Records and Certificates. The City Clerk and other officers of the City are authorized and directed to prepare and furnish to the Underwriter certified copies of all proceedings and records of the City relating to the Revenue Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the HRA as to the truth of all statements contained therein.

Changes in Forms Approved; Absent and Disabled Officers. The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the City Attorney and by the City officials authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said City officials are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the Finance Officer, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Council by any member of the Council or any duly designated acting official, or by such other officer or officers of the Council as, in the opinion of the City Attorney, may act in their behalf.

Headings; Terms. Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used but not defined herein shall have the meanings given them in the Indentures or Loan Agreements.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

Comm Dev & W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #6516 of Ram Construction and Remodeling in the amount of \$130,350 to furnish and deliver all labor, materials, equipment and incidentals necessary to accomplish renovation of the residence and site work at 3207 Bryant Av N (Petn No 270757).

Your Committee further recommends that the proper City officers be authorized to execute a contract for said services in accordance with City specifications

Adopted 11/4/05.

Comm Dev & W&M/Budget – Your Committee, having under consideration the Village at St. Anthony Project and refinancing of the 2004 Tax Increment Revenue Refunding Notes, now recommends:

- 1) Passage of the accompanying resolution authorizing the issuance of Tax Increment Revenue Refunding Bonds in an amount up to \$4,750,000 (the remaining outstanding taxable notes);
- 2) Passage of the accompanying resolution amending the General Appropriation Resolution to increase the Community Planning and Economic Development (CPED) appropriation and revenue source to reflect the bond proceeds (\$4,750,000), profit sharing funds being transferred to the City (\$100,172) and available tax increment funds from the district (\$90,000);
- 3) Authorization for the proper City officers to terminate the Block 3 Minimum Assessment Agreement; and
- 4) Authorize any technical amendments to the contract necessary to allow for the refinancing of the 2004 Tax Increment Revenue Refunding Notes.

Adopted 11/4/05.

Resolution 2005R-599, authorizing the issuance of Tax Increment Revenue Refunding Bonds in an amount up to \$4,750,000 for the Village at St. Anthony Project, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-599

By Goodman

Relating to the tax increment financing of public improvements related to the Village at St. Anthony Falls multifamily housing development located in the East Hennepin & University Tax Increment Financing District; authorizing the issuance of Tax Increment Revenue Refunding Bonds (Village at St. Anthony Falls Project), Series 2005; and providing the form, terms, pledge of revenues, and findings, covenants, and directions relating to the issuance of such obligations

Resolved by The City Council of The City of Minneapolis:

Section 1. Background

1.01. The Minneapolis Community Development Agency (the "Agency") and the City of Minneapolis (the "City") established the East Hennepin & University Tax Increment Financing District (the "TIF District") pursuant to authority granted by Minnesota Statutes, Sections 469.174-469.1799, as amended (the "Tax Increment Act"), within the East Hennepin & University Redevelopment Project Area (the "Redevelopment Project"), and adopted a tax increment financing plan for the purpose of financing certain improvements within the TIF District. In order to provide for the redevelopment of the Redevelopment Project and the TIF District and, specifically, to provide for the redevelopment of a three-block site located in the TIF District on the east bank of the Mississippi River at the intersection of Hennepin Avenue East and University Avenue East, referred to generally as the Village at St. Anthony Falls Project (the "Project"), the Agency entered into a Contract for Private Redevelopment, dated July 18, 2000, as amended (the "Contract"), between the Agency and Fire Barn Associates, LLC and its assignees (collectively, the "Redeveloper"). The Project is comprised, in part, of forty-eight (48) market-rate townhouses located on the block designated as Block 2 (the "Block 2 Improvements") and one hundred and twenty-one (121) market-rate lofts and brownstone units located on the block designated as Block 3 (the "Block 3 Improvements").

1.02. On October 27, 2000, the Board of Commissioners of the Agency adopted Resolution No. 2000-2336M (the "Note Resolution"), which provided for the issuance and sale of its tax increment revenue notes. Pursuant to the terms of the Note Resolution, the Agency issued its Block 2 Taxable Tax Increment Revenue Note (The Village at St. Anthony Falls Project), Series 2001 (the "Block 2 Note"), in the principal amount of \$2,737,000, dated as of March 20, 2001, payable solely from a portion of the proceeds of the Block 2 Note and from tax increment revenues generated from Block 2. Pursuant to the terms of the Note Resolution, the Agency issued its Block 3 Taxable Tax Increment Revenue Notes (The Village at St. Anthony Falls Project), Series 2001 (the "Block 3 Note"), in the original stated principal amount of \$8,786,000, but initially funded in the amount of \$6,739,000, and later funded in the amount of an additional \$630,000 for a total funded amount of \$7,369,000. The Block 3 Notes were payable solely from a portion of the proceeds of the Block 3 Notes and from tax increment revenues generated from Block 3. The Block 2 Note and the Block 3 Notes are hereinafter referred to collectively as the "Series 2001 Notes."

1.03. Pursuant to Resolution No. 2003R-625, adopted by the City Council of the City on December 29, 2003, and Resolution No. 2003-2863M, adopted by the Board of Commissioners of the Agency on December 29, 2003, the duties of administering all programs, projects, and districts administered by the Agency, including the Redevelopment Plan, the TIF District, and the TIF Plan, were transferred to the City, effective January 1, 2004.

1.04. Pursuant to the terms of the Contract, the Agency agreed to refund the Series 2001 Notes with tax-exempt tax increment revenue bonds when the conditions set forth in the Contract for the issuance of such revenue bonds were satisfied. On December 29, 2003, the City Council of the City adopted Resolution No. 2003R-622 (the "Refunding Obligations Resolution"), which provided for the issuance of its tax increment refunding bonds and notes to refund the Block 2 Note and a portion of the Block 3 Notes. Pursuant to the Refunding Obligations Resolution, the City issued its Tax Increment Revenue Refunding Bonds (Village at St. Anthony Project), Series 2004, in the aggregate principal

amount of \$7,470,000, dated as of March 16, 2004 (the "Series 2004 Bonds"), to redeem and prepay the outstanding principal amount of the Block 2 Note and a portion of the Block 3 Note. Pursuant to the Refunding Obligations Resolution and Resolution No. 2004R-047, adopted by the City Council on February 13, 2004, the City also issued its Taxable Tax Increment Revenue Refunding Notes (Village at St. Anthony Project), Series 2004 (the "Series 2004 Note"), in an aggregate principal amount of \$4,000,000, dated March 16, 2004, to redeem and prepay the outstanding principal amount of the Block 3 Note not refunded with the Series 2004 Bonds.

1.05. The conditions set forth in the Contract for refunding the remaining taxable notes (the Series 2004 Notes) with tax-exempt tax increment revenue bonds have been satisfied.

1.06. Pursuant to Section 469.178 of the Tax Increment Act, the City is authorized to issue and sell its bonds for the purpose of financing public development costs in a redevelopment project and to pledge tax increment revenues derived from a tax increment financing district established within the redevelopment project to the payment of the principal of and interest on such obligations.

Section 2. Issuance of The Series 2005 Bonds

2.01. In order to refund the outstanding principal amount of the Series 2004 Note, there is hereby authorized to be issued by the City the Series 2005 Bonds, as hereinafter defined.

2.02. In order to refund the outstanding principal amount of the Series 2004 Note, the City Council hereby authorizes the issuance of tax increment revenue bonds to be designated as the "Tax Increment Revenue Refunding Bonds (Village at St. Anthony Project), Series 2005 (the "Series 2005 Bonds"), in a principal amount not to exceed \$4,750,000. The Series 2005 Bonds shall be issued on such date and upon the terms and conditions determined by the Finance Officer of the City (the "Finance Officer"). The Series 2005 Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Series 2005 Bonds shall be issued in one or more series as the Finance Officer may determine, and shall be assigned a separate series designation determined by the Finance Officer for each series issued by the City. The Series 2005 Bonds are authorized to be issued as obligations the interest on which is not includable in gross income for federal and State of Minnesota income tax purposes. This authorization to issue the Series 2005 Bonds is effective without any additional action of the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer. The City Council hereby authorizes the sale of the Series 2005 Bonds to Northland Securities, Inc. (the "Underwriter") upon the offer of the Underwriter to purchase the Series 2005 Bonds in accordance with the terms of a Bond Purchase Agreement between the City and the Underwriter (the "Bond Purchase Agreement").

2.03. There have been presented to the City Council forms of the following documents: (i) an Indenture of Trust (the "Indenture"), between the City and U.S. Bank National Association, as trustee (the "Trustee"); and (ii) a Bond Purchase Agreement. The Indenture and the Bond Purchase Agreement are hereby approved in substantially the forms on file with the City on the date hereof, subject to such changes not inconsistent with this resolution and applicable law that are approved by the Finance Officer of the City.

2.04. The Series 2005 Bonds shall have the maturities, interest rate provisions, shall be dated, numbered, and issued in such denominations, shall be subject to mandatory and optional redemptions and prepayment prior to maturity, shall be executed, sealed, and authenticated in such manner, shall be in such form, and shall have such other details and provisions as are prescribed in the Indenture. The form of the Series 2005 Bonds included in the Indenture is approved in substantially the form in the Indenture, subject to such changes not inconsistent with this resolution and applicable law, and subject to such changes that are approved by the Finance Officer. Without limiting the generality of the foregoing, the Finance Officer is authorized to approve the original aggregate principal amount of each series of Series 2005 Bonds to be issued under the terms of this resolution (subject to the maximum aggregate principal amount for all series authorized by this resolution), to establish the terms of redemption, the principal amounts subject to redemption, and the dates of redemption of the Series 2005 Bonds, and to approve other changes to the other terms of the Series 2005 Bonds which are deemed by the Finance Officer to be in the best interests of the City. The issuance and delivery of the Series 2005 Bonds shall be conclusive evidence that the Finance Officer has approved the terms and provisions of the Series 2005 Bonds in accordance with the authority granted by this resolution. The proceeds derived from the sale

of the Series 2005 Bonds, and the earnings derived from the investment of such proceeds, shall be held, transferred, expended, and invested in accordance with determinations of the Finance Officer.

2.05. The Series 2005 Bonds shall be secured by the terms of the Indenture and shall be payable solely from Available Tax Increments (as defined in the Indenture) that are expressly pledged to the payment of the Series 2005 Bonds pursuant to the terms of the Indenture.

2.06. It is hereby found, determined and declared that the issuance and sale of the Series 2005 Bonds, the execution and delivery by the City of the Indenture and the Bond Purchase Agreement (the "City Documents"), and the performance of all covenants and agreements of the City contained in the City Documents, and of all other acts required under the Constitution and laws of the State of Minnesota to make the Series 2005 Bonds the valid and binding special obligations of the City enforceable in accordance with their respective terms, are authorized by applicable Minnesota law, including, without limitation, the Tax Increment Act and this Resolution.

2.07. Under the provisions of the Tax Increment Act, and as provided in the Indenture and under the terms of the Series 2005 Bonds, the Series 2005 Bonds are not to be payable from or chargeable against any funds other than the revenues pledged to the payment thereof; the City shall not be subject to any liability thereon other than from such revenues pledged thereto; no holder of any Series 2005 Bonds shall ever have the right to compel any exercise by the City of its taxing powers (other than as contemplated by the pledge of tax increment revenues under the terms of the Indenture) to pay the principal of, premium, if any, and interest on the Series 2005 Bonds, or to enforce payment thereof against any property of the City other than the property expressly pledged thereto; the Series 2005 Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than the revenues expressly pledged thereto; the Series 2005 Bonds shall recite that the Series 2005 Bonds are issued without a pledge of the general or moral obligation of the City, and that the Series 2005 Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Series 2005 Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation of indebtedness.

Section 3. Disclosure Documents And Closing Certificates

3.01. The preparation of an Official Statement (or other form of disclosure document) in conjunction with the offer and sale of the Series 2005 Bonds is hereby authorized. When approved by the Finance Officer of the City, the Official Statement (or other form of disclosure document) is authorized to be distributed in conjunction with the offer and sale of the Series 2005 Bonds. In order to provide for continuing disclosure with respect to the Series 2005 Bonds, the Finance Officer and the Trustee may execute and deliver an agreement or certificate providing for continuing disclosure with respect to the Series 2005 Bonds.

3.02. The Finance Officer is authorized to furnish to the purchasers of the Series 2005 Bonds, on the date of issuance and sale of the Series 2005 Bonds, a certificate that, to the best of the knowledge of such officer, the Official Statement (or other form of disclosure document) does not, as of the date of closing, and did not, as the time of sale of the Series 2005 Bonds, contain any untrue statement of a material fact necessary in order to make the statements made therein, in light of the circumstances under which they were made, not misleading. Unless litigation shall have been commenced and be pending questioning the Series 2005 Bonds, the proceedings for approval of the Series 2005 Bonds, tax increment revenues generated or collected for payment of the Series 2005 Bonds, revenues pledged for payment of the Series 2005 Bonds, or the organization of the City, or incumbency of its officers, the Finance Officer shall also execute and deliver a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Series 2005 Bonds, and the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Series 2005 Bonds and the tax-exempt status of interest on the Series 2005 Bonds.

3.03. The City Clerk, the Finance Officer, and other agents, officers, and employees of the City are hereby authorized and directed, individually and collectively, to furnish to the attorneys approving the Series 2005 Bonds, on behalf of the purchasers of the Series 2005 Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, and the right and authority of the City to issue the Series 2005 Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City. Such officers, employees, and agents

of the City are hereby authorized to execute and deliver, on behalf of the City, all other certificates, instruments, and other written documents that may be requested by bond counsel, the Underwriter, the Trustee, or other persons or entities in conjunction with the issuance of the Series 2005 Bonds and the expenditure of the proceeds of the Series 2005 Bonds. Without imposing any limitations on the scope of the preceding sentence, such officers and employees are specifically authorized to execute and deliver one or more UCC-1 financing statements, a certificate relating to federal tax matters including matters relating to arbitrage and arbitrage rebate, a receipt for the proceeds derived from the sale of the Series 2005 Bonds, an order to the Trustee, a general certificate of the City, and an Information Return for Tax-Exempt Governmental Obligations, Form 8038 (Rev. January 2002).

3.04. The City Clerk is hereby authorized and directed to certify a copy of this resolution and cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the county auditor under Minnesota Statutes, Section 475.63, and to obtain the certificate of the Taxpayer Services Division Manager of Hennepin County as to the registration of the Series 2005 Bonds. Copies of this resolution shall also be delivered to the Finance Officer of the City.

Section 4. Redemption of Series 2004 Notes

4.01. The City elects to apply the net proceeds of the Series 2005 Bonds to the optional prepayment of the Series 2004 Notes in accordance with their terms. Following the sale and issuance of the Series 2005 Bonds, the Finance Officer, as Registrar of the Series 2004 Notes, is directed to cause notice of redemption of the Series 2004 Notes to be given to the holders of the Series 2004 Notes in accordance with the terms of the Series 2004 Notes and to take all other actions necessary to cause the redemption and prepayment of the Series 2004 Notes to occur as soon as possible after the date of issuance of the Series 2005 Bonds.

Section 5. Miscellaneous

5.01. All agreements, covenants, and obligations of the City contained in this resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council, nor any officer executing the Series 2005 Bonds shall be liable personally on the Series 2005 Bonds or be subject to any personal liability or accountability by reason of the issuance of the Series 2005 Bonds.

5.02. Nothing in this resolution or in the above-referenced documents is intended or shall be construed to confer upon any person (other than as provided in the Indenture, the Series 2005 Bonds, and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this resolution or any provision of this resolution.

5.03. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer, or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by a deputy or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

5.04. The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2005 Bonds or any related activity which would cause the Series 2005 Bonds to be deemed to be "private activity bonds," within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Series 2005 Bonds or any related activity which would cause the Series 2005 Bonds to be deemed to be "arbitrage bonds," within the meaning of Section 148 of the Code. Furthermore, the City shall take

all such actions as may be required under the Code to ensure that interest on the Series 2005 Bonds is not and does not become includable in gross income for federal income tax purposes.

5.05. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated hereby is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Series 2005 Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Series 2005 Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel or other counsel retained by the City to review such amendments; (e) the City has received, if necessary, an opinion of bond counsel to the effect that the amendments will not adversely affect the tax-exempt character or interest on the Series 2005 Bonds, if the Series 2005 Bonds are then tax-exempt obligations; and (f) such amendments do not materially prejudice the interests of the owners of the Series 2005 Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.

5.06. Effective Date. This Resolution shall take effect and be in force from and after its approval and publication.

Adopted 11/4/05.

RESOLUTION 2005R-600
By Goodman & Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

a) Increase the 2005 Revenue Budget for the Community Planning & Economic Development Agency in Fund DDT – St. Anthony Debt Service (DDT0-890-8490) by \$4,905,177 from bond proceeds (\$4,750,000) and transfers in (\$155,172);

b) Increase the appropriation for the Community Planning & Economic Development Agency in Fund DDT - St. Anthony Debt Service (DDT0-890-8933) by \$4,940,172 from bond proceeds (\$4,750,000), transfers in (\$155,172), and available fund balances (\$35,000);

c) Increase the 2005 Revenue Budget for the Community Planning & Economic Development Agency in Fund CHU – East Hennepin & University (CHU0-890-8490) by \$100,172 from developer payments; and

d) Increase the appropriation for the Community Planning & Economic Development Agency in Fund CHU – East Hennepin & University (CHU0-890-8933) by \$155,172 from developer payments (\$100,172) and available fund balances (\$55,000).

Adopted 11/4/05.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, having under consideration the operation of the Welfare Reform Program through a Joint Powers Agreement with Hennepin County, now recommends that the proper City Officers be authorized to amend the contract with Hennepin County, to increase the amount by \$15,000 to perform an evaluation of the Employment and Training Service Providers.

Adopted 11/4/05.

H&HS - Your Committee recommends concurrence with the recommendation of the Mayor and City Council to appoint Rosemarie Gilbert (Ward 8) to the Senior Citizen Advisory Committee, for a two-year term to expire December 31, 2006.

Adopted 11/4/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee, having under consideration the Steps to a Healthier Minneapolis Project, now recommends that the proper City Officers be authorized to execute a contract with Clearwater Research Inc, in the amount of \$264,300, to provide telephone survey services concerning the health and well being of 6,500 Minneapolis adults for the period January 1, 2006 through September 21, 2009.

Adopted 11/4/05.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR – Your Committee, having under consideration the 2005 Metropolitan Council System Statement summarizing the local implications of the adoption of the 2030 Regional Development Framework, the Transportation Policy Plan, the Water Resources Management Policy Plan and the Regional Parks Policy Plan, now recommends that the proper City officers be authorized to submit to the Metropolitan Council the City of Minneapolis response to 2005 Metropolitan Council System Statement, as set forth in Petn No 270761.

Niziolek moved to amend the first paragraph of the section entitled “Transportation” in Petn No 270761 by striking the sentence which reads, “In response to the addition of the planned development projects, the City could adjust the on-street parking regulations to increase vehicular capacity and meet the population estimates and the associated travel demand.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/4/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of Midtown Exchange Hotel LLC, dba Sheraton Restaurant, 2901 Chicago Av (hotel), for an On-Sale Liquor Class E with Sunday Sales License (new business) to expire October 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

(Published 11/9/05)

PS&RS - Your Committee, having under consideration the application of Masa LLC, dba Masa, 1070 Nicollet Mall, for an On-Sale Liquor Class E with Sunday Sales License (change in ownership) to expire October 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

(Published 11/9/05)

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/4/05.

Resolution 2005R-601, granting Liquor, Wine and Beer Licenses, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-601

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2006

City Center Hotel Ltd Partnership, dba Marriott City Center Mpls, 30 S 7th St

NATH Midwest Lodging LLC, dba Ramada Inn, 41 10th St N

Wild Entertainment Ltd, dba Ground Zero, 15 4th St NE, 1st floor

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2006

Coreyx LLC, dba Nicollet Island Inn, 95 Merriam St

Campus Partners Inc, dba Sally's, 712 Washington Av SE

Babalu LLC, dba Babalu, 800 Washington Av N, #102

Poodle Inc, dba Poodle Club, 3001 E Lake St

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2006

Slainte LLC, dba The Melting Pot, 80 S 9th St

O'Donovan's Irish Pub LLC, dba O'Donovans Irish Pub, 700 1st Av N

On-Sale Liquor Class C-2 with Sunday Sales, to expire October 1, 2006

J D Hoyt's Inc, dba J D Hoyt's, 801 Washington Av N

Two Mac Inc, dba Mackenzie, 918 Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2006

Joe's Garage Inc, dba Joe's Garage Restaurant, 1610 Harmon Pl

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2006

Largo Enterprises Inc, dba Whitey's World Famous Saloon, 400 E Hennepin Av

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2006

Masa LLC, dba Masa, 1070 Nicollet Mall (change in ownership)

PFC Systems Inc, dba Burrito Loco, 418 13th Av SE

Loon Cafe Inc, dba Loon Cafe, 500 1st Av N

Maxwell's Operations LLC, dba Maxwells American Cafe, 1201 Washington Av S

Sumick Inc, dba Lyle's Bar & Restaurant, 2021 Hennepin Av

Original Broadway Station Inc, dba Broadway Station, 2025 W River Rd

Haze 2 Group, dba Grumpy's Bar, 2200 4th St NE

Chez Inc, dba Tracy's Saloon, 2205 E Franklin Av

Stasiu's Inc, dba Stasiu's, 2500 University Av NE

Tony Jaros' River Gardens Inc, dba Tony Jaros' River Gardens, 2500 Marshall St NE

Brutus Enterprises Inc, dba Popeyes Saloon, 3601 E Lake St

On-Sale Liquor Class E, to expire October 1, 2006

Halek's Inc, dba Halek's Bar, 2024 Washington Av N

Stand Up Frank's Inc, dba Stand Up Franks, 2027 2nd St N, 1st floor

Temporary On-Sale Wine

Forecast Public Artworks, dba Forecast Public Artworks, 700 Washington Av N #100 (November 19, 2005, 5:30 p.m. to 8:00 p.m. at 700 Washington Av N)

Off-Sale Beer, to expire April 1, 2006

Amo Inc, dba Pennwood Market, 2125 Glenwood Av (new proprietor)

Simon Rashid, dba Fatina Food, 3246 Nicollet Av

Speedway Super America LLC, dba Super America #4060, 801 W Lake St

Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av

Speedway Super America LLC, dba Super America #4232, 3453 Nicollet Av
Speedway Super America LLC, dba Super America #4161, 4740 Cedar Av S.
Adopted 11/4/05.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.
Adopted 11/4/05.

Resolution 2005R-602, granting applications for Business Licenses, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-602
By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 4, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270766):

Amusement Devices; Place of Amusement Class B-1; Place of Amusement Class B-2; Bed & Breakfast Facility; Check Cashing; Fire Extinguisher Servicing Class A; Caterers; Confectionery; Grocery; Food Manufacturer; Meat Market; Restaurant; Short-Term Food Permit; Horse and Carriage; Hotel/Motel; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Pet Shop; Plumber; Recycling/Salvage Yard; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Suntanning Facility; Tattooist/Body Piercer; Taxicab Limited; Theater Zone I; Theater Zone III; Tobacco Dealer; Combined Trades; Tree Servicing.
Adopted 11/4/05.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.
Adopted 11/4/05.

Resolution 2005R-603, granting applications for Gambling Licenses, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-603
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Halek's Bar, 2024 Washington Av N)

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Cedar Inn, 4155 Cedar Av S)

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Westrums, 4415 Nicollet Av)

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Sunrise Inn, 4563 34th Av S)

Roosevelt Booster Club Inc, dba Roosevelt Booster Club, 4029 28th Av S (Site: Schooner Tavern, 2901 27th Av S)

Multiple Sclerosis Society Minnesota Chapter, dba Multiple Sclerosis Society Minnesota Chapter, 200 12th Av S (Site: Mortimers Bar, 2001 Lyndale Av S)

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Johnny A's 200 Sports Bar, 200 Broadway)

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society, 200 12th Av S (Site: Viking Bar, 1829 Riverside Av)

Gambling Lawful Exempt

Childrens Cancer Research Fund, dba Childrens Cancer Research Fund, 7801 E Bush Lk Rd (Raffle November 5, 2005 at Historic Milwaukee Road Depot)

Fashion Group International, dba Fashion Group International, 505 Nicollet Mall (Raffle November 5, 2005 at Walker Art Center, 1750 Hennepin Av)

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 1611 W County Rd B, St. Paul (Raffle November 12, 2005 at Hyatt Regency on Nicollet Mall, 1300 Nicollet Mall)

Church of St. Boniface, dba Church of St. Boniface, 629 2nd St NE (Raffle, Paddlewheel & Pulltabs November 22, 2005)

Goldbrick Club, dba Goldbrick Club, 1828 4th St (Raffle December 11, 2005 at Minneapolis Police Federation Hall, 1811 University Av NE)

Resource Center of the Americas, dba Resource Center of the Americas, 3019 Minnehaha Av (Raffle December 16, 2005)

Goldbrick Club, dba Goldbrick Club, 1828 4th St NE (Raffle February 6, 2006 at Jax Cafe, 1928 University Av)

Minnesota AIDS Project, dba Minnesota AIDS Project, 1400 Park Av (Raffle November 12, 2005 at Convention Center, 1301 2nd Av S)

Church of St. Hedwig, dba Church of St. Hedwig, 129 29th Av NE (Raffle December 4, 2005).
Adopted 11/4/05.

PS&RS - Your Committee recommends that the proper City Officers be authorized to amend the contract with Hennepin Technical College to extend the performance period to December 31, 2005 and increase the amount by \$5,355, to continue providing taxicab driver training (cab college).

Adopted 11/4/05.

PS&RS - Your Committee, having under consideration the property located at 3208-10 2nd Street North which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said property legally described as Lot 4, Block 47, Bakers 4th Addition to Minneapolis (PID #10-029-24-24-0057), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Further, that staff of the Problem Properties Unit be directed to delay issuing bid specifications to demolition contractors for 30 days.

Adopted 11/4/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept donated office space and amenities located at 1911 W Broadway from R. S. Eden for Police Department meetings.

Adopted 11/4/05.

The **TRANSPORTATION & PUBLICS WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration Heritage Park Project No. 9746, Phase 3 (rental housing), and having held a public hearing thereon, now recommends passage of the accompanying Resolution adopting and levying the special assessments for the benefited properties, in the total amount of \$955,500, as set forth in Petn. No. 270768.

Adopted 11/4/05.

Resolution 2005R-604 adopting the special assessments for the Heritage Park Phase 3 Rental Housing Project, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-604

By Colvin Roy

Heritage Park Phase 3 Rental Housing Project No 9746

Street Improvements, Street Lighting, Sidewalk, Sanitary Sewer and Water Mains

Adopting the special assessments for the Heritage Park Phase 3 Rental Housing Project.

Whereas, a public hearing was held on October 25, 2005, in accordance with Chapter 10, Section 6, of the Minneapolis City Charter, and Sections 24.180 and 509.465 of the Minneapolis Code of Ordinances to consider the proposed special assessments in accordance with the Development Agreements and Joint Powers Agreement as more fully set forth in Petn No. 269104 on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for Street Improvements in the total amount of \$435,100, Street Lighting Improvements in the total amount of \$91,700, Sidewalks in the total amount of \$54,700, Sanitary Sewers in the total amount of \$155,500 and Water Mains in the total amount of \$218,500 as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for with the collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of the assessment rolls to the Hennepin County Auditor.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration assessments for water and sewer service line repairs or replacements, and having held a public hearing thereon, now recommends passage of the

accompanying Resolution levying the assessments and adopting the assessment rolls on the lists of properties set forth in Petn. No. 270768.

Adopted 11/4/05.

Resolution 2005R-605, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-605
By Colvin Roy

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 270768.

Whereas, a public hearing was held on October 25, 2005 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated October 14, 2005 set forth in Petn No 270768 in the total amount of \$408,052.70 as shown on the proposed assessment roll on file in the office of the City Clerk hereby are adopted and levied;

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated October 14, 2005 set forth in Petn No 270768 in the total amount of \$66,105.55 as shown on the proposed assessment roll on file in the office of the City Clerk hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2006 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted 11/4/05.

T&PW - Your Committee, to whom was referred an ordinance amending Title 19, Chapter 510 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Stormwater Management System and Operation of a Stormwater Utility*, modifying the Runoff Coefficient Range for the Multi-Family Residential Land Use Category, and having held a public hearing thereon, now recommends:

a) Passage of the accompanying Ordinance modifying the Runoff Coefficient Range for the Multi-Family Residential Land Use category from .60-.75 to .35-.50;

b) Passage of the accompanying Resolution amending Resolution 2005R-064, decreasing the Runoff Coefficient for the Multi-Family Residential Land Use Category from .75 to .40; and

c) Directing the appropriate City officers to apply the modified Runoff Coefficient for the Multi-Family Residential Land Use Category for stormwater utility charges retroactively to March 1, 2005.

Adopted 11/4/05.

Ordinance 2005-Or-102, amending Title 19, Chapter 510 of the Minneapolis Code of Ordinances relating to *Water, Sewers and Sewage Disposal: Stormwater Management System and Operation of a Stormwater Utility*, modifying the Multi-Family Residential Land Use Category Runoff Coefficient range

from .60-.75 to .35-.50, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-102
By Colvin Roy, Schiff and Goodman
Intro & 1st Reading: 10/7/05
Ref to: T&PW
2nd Reading: 11/4/05

Amending Title 19, Chapter 510 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Stormwater Management System and Operation of a Stormwater Utility.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 510.110 of the above-entitled ordinance be amended to read as follows:

510.110. Severability. In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.

Table 1 - Ordinance

LAND USE	RANGE
Bar- Rest.- Entertainment	.60—.75
Car Sales Lot	.60—.95
Cemetery w/Monuments	.10—.25
Central Business District	.85—1.00
Common Area	.10—.25
Garage or Misc. Res.	.30—.55
Group Residence	.60—.75
Ind. Warehouse- Factory	.50—.90
Industrial Railway	.50—.90
Institution- Sch.- Church	.60—.95
Misc. Commercial	.60—.95
Mixed Comm.- Res - Apt.	.60—.75
Multi-Family Apartment	.60—.75
Multi-Family Residential	.60—.75 <u>.35—.50</u>
Office	.60—.95
Parks & Playgrounds	.10—.25
Public Accommodations	.60—.95
Retail	.60—.95
Single Family Attached	.60—.75
Single Family Detached	ESU
Sport or Rec. Facility	.60—.95
Utility	.50—.90
Vacant Land Use	.10—.25
Vehicle Related Use	.60—.90
Adopted 11/4/05.	

Resolution 2005R-606

By Colvin Roy

Amending Resolution 2005R-064, entitled, “Designating the utility rates for sewer rental and stormwater service effective with water meters read on and after March 1, 2005”, passed January 28, 2005.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended by changing the Coefficient Applied to the Multi-Family Residential Land Use Category in Table 1 from .75 to .40.

Adopted 11/4/05.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and enter into an agreement with EK Pass Corp, in the approximate amount of \$650,000, to obtain driver/operator training and the development of written standards. Training is anticipated to begin in late 2005 and end in early 2007, spreading expenses over three budget years. Funds are available in the Permanent Improvement Equipment Fund Operating Budget.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration the 800 MHz Regional Radio System Project, now recommends that the proper City officers be authorized to execute Change Order No. 6 increasing Contract No. 14248 with Motorola, Inc. by \$130,000, for a revised contract total of \$5,860,575.78, to allow for the purchase of system devices for the infrastructure portion of the regional radio system at a discount from list price. No additional appropriation required.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration City-owned vacant land located at 112 1/2 University Ave SE and 210 2nd Av SE, now recommends that the land be sold by the method of “private sale to the adjacent owner.”

Your Committee further recommends that a public hearing regarding said sale be set for November 22, 2005.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration the reconstruction of Lyndale Av S from westbound Minnehaha Pkwy to 31st St W, County Project No. 9338, as set forth in Petn. No. 270769, now recommends passage of the accompanying Resolution approving the Hennepin County Transportation Department’s Layout, dated November 2004, as submitted.

Niziolek moved that the resolution be amended by adding the following Whereas clause:

“Whereas, the City of Minneapolis understands that the segment between 38th St W and 39th St W will receive further review to determine the final recommendation regarding the widening necessary for the 38th St intersection.” Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/4/05.

Resolution 2005R-607, approving the Hennepin County Department of Transportation’s Layout for County State Aid Highway (CSAH) 22 (Lyndale Avenue South) from westbound Minnehaha Parkway West to 31st Street West, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-607

By Colvin Roy

Approving the Hennepin County Department of Transportation's Layout for County State Aid Highway (CSAH) 22 (Lyndale Avenue South) from westbound Minnehaha Parkway West to 31st Street West.

Whereas the Hennepin County Department of Transportation (County) has proposed the reconstruction of Lyndale Av S from south of westbound Minnehaha Parkway W to south of 31st St W; and

Whereas, the City and County formed a Project Task Force consisting of representatives from the neighborhoods and businesses to assist with providing guidance and recommendations for the project; and

Whereas, with the assistance of the Task Force, the City and County have held many meetings and open houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the Task Force developed a concept plan which retained the roadway width, reduced the travel lanes to two (one travel lane in each direction) and included two parking lanes; and

Whereas, based on the Task Force's concept plan, the County has prepared a layout describing the proposed improvements; and

Whereas, the County has submitted the Layout (dated November, 2004) to the City of Minneapolis requesting approval, said layout on file with the City Engineer identified as "CSAH 22 Layout No 1 Project No 9338 City of Minneapolis From S. of WB Minnehaha Pkwy to S. of 31st Street W"; and

Whereas, the City Department of Public Works concurs that the Layout is consistent with the Task Force's concept plan, provides for the existing and future transportation needs; and

Whereas, the Department has made a recommendation of Layout approval to the City Council based on said determination; and

Whereas, the City of Minneapolis understands that prior to the City Council Project Public Hearings, neighborhoods along the project area will be provided the opportunity to review and comment on final design; and

Whereas, the City of Minneapolis understands that the segment between 38th St W and 39th St W will receive further review to determine the final recommendation regarding the widening necessary for the 38th Street intersection;

Now, Therefore, Be it Resolved by The City Council of The City of Minneapolis:

That the City approves the County's Layout No 1 (dated November, 2004) for Lyndale Avenue S from south of westbound Minnehaha Pkwy W to south of 31st St W, as submitted.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration the construction of a Midtown Greenway Bicycle Station, now recommends:

a) Authorizing the proper City officers to negotiate and execute a lease agreement between Allina Health Systems and the City of Minneapolis for the construction of the bicycle station, with provisions for 100% payback by Allina of any required Federal grant fund repayment during years 1 through 5 in the unlikely event that the finished space does not continue to be used as a bicycle station during the entire 20-year period; and payback to be shared equally by the City and Allina in years 6 through 20; and

b) Authorizing the proper City officers to negotiate and execute a sublease agreement between the City of Minneapolis and Allina Health Systems for the operation and maintenance of the facility, with provisions for Allina to assume long-term responsibility for operating and maintaining the bicycle station.

Adopted 11/4/05.

T&PW - Your Committee, having under consideration the traffic request process for the installation of Disability Zones and the installation and removal of No Turn On Red (NTOR) signs, now recommends:

- a) Authorizing the City Engineer to administratively install residential Disability Zones; and
 - b) Authorizing the City Engineer to administratively install/remove No Turn On Red signs.
- Adopted 11/4/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lots, and having held a public hearing thereon, now recommends passage of the accompanying Resolution adopting and levying the special assessments for the benefited properties, in the total amount of \$38,982.47, as set forth in Petn. No. 270770.

Adopted 11/4/05.

Resolution 2005R-608, adopting the special assessments for payable 2006, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-608
By Colvin Roy and Johnson

Adopting the special assessments for payable 2006, levying the special assessments and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998 and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2006 to be \$38,982.47, all as contained in Petn No 270770 on file in the office of the City Clerk; and

Whereas, a public hearing was held on October 25, 2005 in accordance with Minnesota Statutes Section 459.14 and Minnesota Statutes Chapter 429 to consider the proposed special assessments for payable 2006 as shown on the proposed assessment roll on file in the office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for payable 2006 in the total amount of \$38,982.47 as on file in the office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2006 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/4/05.

T&PW & W&M/Budget - Your Committee, having under consideration the Nicollet Mall Improvement, Maintenance, and Operation Assessments payable in 2006, and having held a public hearing thereon, now recommends:

- a) Adopting and levying the assessments in the amount of \$1,120,731.26;
- b) Adopting the assessment roll, as set forth in Petn. No. 270770; and
- c) Directing the City Clerk to transmit a certified copy of the assessment roll to the Hennepin County Auditor.

Adopted 11/4/05.

T&PW & W&M/Budget - Your Committee, having under consideration the City of Minneapolis Impound Lot towing fees now recommends:

- a) Increasing Impound Lot towing fees from \$133 to \$138 per tow;
- b) Approving new towing fees, effective October 1, 2005, according to contractual terms as follows:

Towing Company	District / Zone	Price per Tow
Schmit Towing, Inc.	District A & Zone 3	\$54.07
Corgan Transport, Inc.	District B & Zone 5	\$64.96
Chief's Towing, Inc.	Zone 4	\$135.45
Chief's Towing, Inc.	Zone 6	\$140.70
Wrecker Service, Inc.	Zone 1	\$126.00
Shorties Towing, Inc.	Zone 2	\$157.50; and

- c) Passage of the accompanying Resolution increasing the appropriation and revenue in the Municipal Parking Fund by \$137,972.21, to be reimbursed by an increase in the towing fee.

Adopted 11/4/05. Yeas, 9; Nays, 4 as follows:

Yeas – Benson, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Ostrow.

Nays – Johnson Lee, Niziolek, Goodman, Zimmermann.

RESOLUTION 2005R-609
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Traffic Operating Agency in the Municipal Parking Fund (7500-685-6898-5110) by \$137,972.21 and increasing the revenue source (7500-685-6898-3455) by \$137,972.21, to be reimbursed by an increase in the towing fee.

Adopted 11/4/05. Yeas, 9; Nays, 4 as follows:

Yeas – Benson, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Lilligren, Ostrow.

Nays – Johnson Lee, Niziolek, Goodman, Zimmermann.

T&PW & W&M/Budget - Your Committee, having under consideration Nicollet Mall Site Improvements, now recommends approving Change Order No. 1 increasing Contract No. C-21772 with L.S. Black Constructors, Inc., by \$57,327.79, for a revised contract total of \$602,957.04, to allow for work required by unforeseen conditions and plan revisions not covered by the scope of the original contract. No additional appropriation required.

Adopted 11/4/05.

T&PW & W&M/Budget - Your Committee, having under consideration the rehabilitation of Pump Station No. 4 at the Columbia Heights Membrane Filtration Plant, now recommends that the proper City officers be authorized to negotiate and execute a contract with Sebesta Blomberg & Associates, Inc. in an amount not to exceed \$200,000, without further Council authorization, for the Pump Station No. 4 Control System and PLC development and assistance for electrical engineering services. Funds are available within the existing project budget.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

(Published 11/9/05)

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) for consulting services to perform pre-design, design, development of contract documents, construction, inspection, start-up, and operations of a new chemical storage building. Funds are available within the existing project budget.

Adopted 11/4/05.

Approved by Mayor Rybak 11/8/05.

(Published 11/9/05)

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration*, (by adding a new Chapter 38 requiring certain business subsidy recipients to create living wage jobs), and having held a public hearing, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 11/4/05. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson Lee, Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Niziolek, Lane.

Ordinance 2005-Or-103 amending Title 2 of the Minneapolis Code of Ordinances relating to *Administration* by adding a new Chapter 38 entitled "*Minneapolis Living Wage and Responsible Public Spending Ordinance*", requiring certain business subsidy recipients to create living wage jobs, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-103

**By Johnson, Zerby, Colvin Roy, Johnson Lee, Samuels,
Zimmermann, Lilligren, Schiff, Benson**

Intro & 1st Reading: 10/7/05

Ref to: W&M/Budget

2nd Reading: 11/4/05

Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration, by adding a new Chapter 38 relating to Living Wage and Responsible Public Spending.

The City Council of The City of Minneapolis do ordain as follows:

Section 1: That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 38 to read as follows:

38.10. Short Title. This ordinance shall be called the "Minneapolis Living Wage and Responsible Public Spending Ordinance."

38.20. Findings and Purposes. (a) Findings. The city council finds that:

- (1) Whenever the city invests public funds in private development projects, and whenever the city enters into contracts for services, those projects and contracts should create the greatest number of living wage jobs possible in Minneapolis.
- (2) It is therefore appropriate for the city to require that (1) contractors working on city business pay at least a living wage and (2) business subsidies create jobs that pay at least a living wage. It is also appropriate for the city to focus its job creation and retention assistance at businesses that demonstrate a clear and ongoing commitment to the community by providing living wage jobs to their employees by giving priority to those businesses over businesses that have not traditionally paid living wages. Finally, to the extent legally possible, the city will give preferential status for job creation and retention assistance to businesses that engage in responsible labor relations.

- (b) Purpose. Recognizing that the city awards business subsidies and is a major contractor for services, the city enacts this ordinance to increase the wages of service employees and employees whose employers are subsidized by the city in order to improve public health and welfare, promote the economic strength of the city, and reduce the pressure on social service programs.

38.30. Definitions.

"Basic health insurance" means (1) an insurance plan where an employer pays at least 80 percent of the premium for individual coverage or the individual contribution plus 50 percent of the difference between the individual rate and the dependent care rate for family coverage; covers at least 80 percent of the costs for office visits, emergency care, surgery and formulary prescriptions; has annual out of pocket maximums of no more than \$1,500 for individual and \$3,000 for family; and maternity coverage for in-network services; and if an out-of-network option is provided, out-of-pocket maximums will not exceed \$2,000 for individual and \$4,000 for family; (2) a deductible insurance plan provided by an employer where in-network deductibles do not exceed 25 percent for office visits, inpatient care, outpatient care and/or urgent/emergency care, there is a \$1,500 out of pocket maximum for individual and \$3,000 out of pocket maximum for family, and any out-of-network deductible plan's out-of-pocket maximum does not exceed \$2,000 for individual and \$4,000 for family; or (3) an employer provides a health plan not less in value than that provided to first level supervisory employees provided that the benefit costs employers a minimum of 75% of the difference between 110% and 130% of the federal poverty level for a family of four.

"City" means the city or a principal unit of city government, including a city department, agency, commission, or board, acting on behalf of the city.

"City contractor" means a for-profit entity or a 501(c) entity that has a city contract.

"City contract" is defined as a contract for services with the city valued at \$100,000 or more; or a subcontract valued at \$100,000 or more for providing part or all of the services covered by another entity's contract with the city valued at \$100,000 or more.

"City business subsidy" is defined as a grant, contribution of personal property, real property, the principal amount of a loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business valued at \$100,000 or more with the intent or end result of creating or retaining jobs for that business.

"City business subsidy recipient" means a for-profit entity or a 501(c) entity that receives a city business subsidy.

"Job readiness and training services" means services whose primary purpose and intent is to help individuals establish a stable work history by addressing the social and economic barriers to employability, including training, apprenticeship, and adequate day care.

"Multi-use project" means a project that includes units of housing and commercially owned or leased units.

"Responsible labor relations" are defined as neutrality on union organizing, providing a complete and accurate list of names and addresses of employees, reasonable access to employees and facilities during non-working periods, voluntary recognition based on a card check demonstrating that a union represents a majority of employees in a bargaining unit, and binding arbitration on the first contract.

"Sole source" means a source of products or services that is the only viable market option for the city.

38.40. Living Wage. (a) Payment of Living Wage & Receipt of Business Subsidy.

- (1) A city contract for services must require city contractors to pay an hourly wage that is at least the living wage for the duration of the contract to employees of the city contractor for hours worked by the employees on the city contract. If a city contract is subject to wage requirements under a collective bargaining agreement, the city contractor shall pay the wage under the collective bargaining agreement subject to the requirements set forth in section c below.

- (2) It is a city goal that one (1) living wage job be created out of every \$25,000 of city business subsidy. A recipient of a city business subsidy must enter into a city business subsidy agreement with the city that includes a description of the subsidy, goals for the number of jobs created and/or retained, and wage goals for any jobs created and/or retained. In the agreement, the city's department of planning and economic development must negotiate the minimum number of required living wage jobs to be created by the business subsidy recipient. If the number of required jobs is less than the city's goal, the department of planning and economic development must supply written reasons for not meeting the city's goal to the city council.
- (3) City bond financing is subject to the requirements of this ordinance to the extent the intent of the bond financing is to create jobs and the financing results in a net economic benefit to recipient greater than \$100,000. This benefit must exceed that to which the recipient could have obtained in the capital markets.
- (b) Calculation of Living Wage.
- The living wage shall be a wage level equivalent to at least 130 percent of the federal poverty level for a family of four. For employers that provide employees basic health insurance benefits, the living wage shall be a wage level equivalent to at least 110 percent of the federal poverty level for a family of four. The living wage shall be based on the prevailing federal poverty level and shall be adjusted within one week after the federal government adjusts the rate.
- (c) Exemptions.
- (1) Subject to the requirements set forth in the enforcement section, section d below, the following entities, city contracts and business subsidy arrangements are exempt from the living wage and business subsidy requirements:
- a. An incorporated entity that falls within the definition of a small business under Minnesota Statute § 645.445; any 501(c) entity which falls under the criteria laid out in Minnesota Statute § 645.445, subdivision 2;
 - b. 501(c) entities that are sole source providers of service;
 - c. For-profit entities or 501(c) entities that provide contract health care benefits to city staff or that provide wellness or fitness related products or services to city staff;
 - d. For-profit entities or 501(c) entities involving city depository and financial service institutions;
 - e. A recipient of a city contract or city business subsidy that contains an express provision that the purpose of the contract or subsidy is job readiness and training services and that the recipient is exempt from the living wage requirement;
 - f. A recipient of a city contract or city business subsidy for whom the city council or responsible city agency determines that application of the living wage requirement would conflict with a county, state or federal program requirement;
 - g. A recipient of a city contract or city business subsidy which is bound by a collective bargaining agreement for the period of the contract or the subsidy;
 - h. A recipient of a city business subsidy where the purpose of the subsidy is assistance for housing. This exemption does not apply to non-housing portions of a city business subsidy;
 - i. Any business subsidy awarded solely to remediate redevelopment property polluted by contaminants as defined in Minnesota Statutes § 116J.552, subdivision 3;
 - j. Any business subsidies awarded solely for pollution control or abatement, including assistance from a TIF hazardous substance subdistrict are exempt from this ordinance;
 - k. Any projects that the recipient's investment in the purchase of the site and in site preparation was made at fair market value. This exemption does not apply to other portions of or separate business subsidies for the same city business subsidy recipient;
 - l. City contracts or business subsidies that lead to the employment of seasonal, part-time or temporary employees whose employment does not reduce or offset the

work of permanent employees, on the condition that no more than ten percent (10%) of the contract amount is for the employment of such seasonal, part-time or temporary workers, and on the condition that the city contractor or business subsidy recipient is not intending to utilize such labor to avoid the requirements of this ordinance;

m. Temporary internships or similar positions that are intended to provide career exposure to new entrants into the relevant workforce;

n. Conduit bonds and 501(c) bonds; and

o. 501(c) entities that provide health and social services directly to low-income and at-risk populations.

(2) Historic preservation projects are exempted from living wage requirements except for jobs created as a result of the renovation, in which case at least seventy five percent (75%) of the new workers must be paid a living wage.

(d) Enforcement.

(1) A recipient of a city contract that fails to meet the living wage requirement at any time during the duration of the contract shall not be eligible for a city contract in the next contract cycle or the next calendar year. Any recipient of a city contract that fails to meet the living wage requirement shall be liable to the city for liquidated damages at 20% of the value of the contract.

(2) A recipient of a city business subsidy that fails to meet the living wage requirement at any point in the duration of the subsidy within the agreed upon timeframe for the creation of living wage jobs shall not be eligible for a business subsidy for the next calendar year. Any recipient of a city business subsidy shall be liable for liquidated damages to the city. The amount of damages shall be four times the value of the subsidy proportional to the rate at which the recipient failed to create living wage jobs. For example, if a recipient received a subsidy of \$1,000,000 and only created 39 living wage jobs, instead of 40, it would owe \$100,000 to the city or four times their proportional rate of failure of \$25,000.

(3) No city contractor, subcontractor or recipient of a city business subsidy shall discharge, demote, harass, or otherwise take adverse action against any individual because such individual seeks enforcement of the living wage requirements or testifies, assists, or participates in any manner in an investigation, hearing, or other proceeding to enforce this ordinance.

(4) No city contractor or recipient of a city business subsidy shall split or subdivide a contract or subsidy, pay an employee through a third party, or treat an employee as a subcontractor or independent contractor to avoid payment of a living wage. Work presently being performed by city employees may not be contracted out unless the contractors pay employees performing that work a living wage or the current city wage and benefits for similar work, whichever is higher.

(5) This ordinance's business subsidy provisions shall be enforced by the department of community planning and economic development, or its successor agency, which shall promulgate regulations as are necessary to implement and administer compliance. This ordinance's contract provisions shall be enforced by the civil rights department or its successor agency, which shall promulgate regulations as are necessary to implement and administer compliance.

(6) Upon the request of the appropriate city staff, each city contractor or city business subsidy recipient shall furnish within five (5) working days, a copy of payrolls showing wages paid or records substantiating jobs created from the business subsidy. In the event of noncompliance with staff requests for records and documents, city staff shall promptly notify the city finance officer who shall withhold payments for such periods of noncompliance. During the course of and upon completion of the contract work or business subsidy work, city staff shall have the right to require an appropriate audit of contractor's books to determine compliance or noncompliance with the provisions of this ordinance. Each city contractor or business subsidy recipient shall retain the

relevant records and documents for a period of not less than one year after the completion of the work.

- (7) In the event that noncompliance with this ordinance is found, city staff shall place the city contractor or business subsidy recipient on a suspended list and, by written notice, terminate their rights to proceed with the work or such part of the work as to which there has been a violation of this ordinance. The city contractor or business subsidy recipient shall be liable to the city for damages sustained in investigating or enforcing this ordinance, including attorney's fees, costs of remediation and investigation. The city reserves the right to withhold contract payments to the extent of the underpayment of required wages.

- (8) A finding or conclusion by city enforcement staff may be appealed to the director of the civil rights department.

38.50. Waiver. The requirements of this ordinance may be waived in whole or in part upon a majority vote of the entire city council upon a written showing of sufficient cause by a recipient. The city council must make written findings regarding the reasons for the waiver after a public hearing at a ways & means/budget committee meeting. Enforcement staff and the living wage work group shall 120 days after the effective date of this ordinance, and only city enforcement staff annually thereafter, provide the city council with a list of criteria that the city council may consider in making a waiver decision. Such waiver criteria may include economic hardship, financial infeasibility based on the application of the ordinance, if a city business subsidy cannot reasonably be considered economic development, or if the imposition of the ordinance provisions would cause the city contractor or city business subsidy recipient to make business decisions that adversely impact the city.

38.60. Effective Date. This ordinance shall take effect on January 1, 2006 and shall apply to any city contract or city business subsidy established after December 31, 2006 or any city contract or city business subsidy renewed after December 31, 2006.

38.70. Severability. If any provision or application of this ordinance is declared illegal, invalid, or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining provisions and portions thereof and applications not declared illegal, invalid, or inoperative shall remain in force or effect.

38.80. Intergovernmental Cooperation & Coordination City staff is directed to coordinate with other local, regional and state agencies and other units of government that have existing living wage and business subsidy policies, or are considering such policies, for the purpose of uniformity, consistency and cooperation.

Adopted 11/4/05. Yeas, 11; Nays, 2 as follows:

Yeas - Johnson Lee, Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays - Niziolek, Lane.

Ostrow moved approval of the following:

"The City Council recognizes the need for a regional approach to a living wage requirement for business subsidies and public contracts. 'A regional approach requires, at a minimum, the adoption of living wage ordinances in St. Paul, Ramsey County and Hennepin County. The City Coordinator is directed to report back to the Ways and Means Committee, the Intergovernmental Relations Committee and the City Council on or before September 15, 2006 on the status of living wage ordinances in those jurisdictions and any other jurisdictions in the metropolitan area.'"

Adopted 11/4/05. Yeas, 12; Nays, none as follows:

Yeas - Johnson Lee, Niziolek, Benson, Goodman, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Declining to vote - Lane.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 11/4/05.

Resolution 2005R-610, authorizing settlement of the legal claims of Cheryl Bryant and Haaron A. WazWaz, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-610
By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of:

- a) Cheryl Bryant, by payment of \$8,000 to Ms. Cheryl Bryant and her attorney, William Walker;
- and
- b) Haaron A. WazWaz, by payment of \$30,000 to Mr. Haaron A. WazWaz and his attorney, Dorene R. Sarnoski.

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 11/4/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the Chief Information Officer, that the proper City officers be authorized to amend the Qwest Master Network Interstate Service Agreement, including associated Site Agreements to:

- a) Extend the agreement for 3 years with two one year renewal options;
- b) Add next generation, high availability OC3 and PRS services; and
- c) Increase the contract value from \$1,092,878.40 to \$1,650,000.

Adopted 11/4/05.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends approval of Change Order No. 2 increasing Contract #C-21852 with PCL Construction Services, Inc. by \$26,294, for a new contract total of \$1,948,007.

Adopted 11/4/05.

W&M/Budget - Your Committee, having under consideration the New Central Library Project, now recommends acceptance of the following low bids (as outlined in Petn No. 270773), for items indicated in the plans and specifications. All this work including furnishing and delivery all material, labor, equipment and incidentals necessary to accomplish the work of Contract #16, "Furniture, Fixtures & Equipment", all in accordance with the plans, specifications and addenda prepared by Architectural Alliance.

- a) Target Commercial Interiors (\$16,225.43);
- b) Architectural Brass (\$49,261);
- c) Artifex Millwork, Inc. (\$442,084);
- d) General Office Products (\$18,376.88);
- e) Helmut Guenschel (\$184,289);
- f) Henricksen (\$42,428.55);
- g) Intereum (\$236,596.79); and
- h) Principle Fixtures and Millwork (\$721,769).

It is further recommended that the proper Library Board and City officers be authorized and directed to execute the contracts for said services.

Adopted 11/4/05.

W&M/Budget - Your Committee, having under consideration a City representative to the Minneapolis Police Relief Association (MPRA) and Minneapolis Firefighters Relief Association (MFRA),

now recommends the appointment of Heather Johnston to the boards, as recommended by the City Finance Officer, replacing Michael Nguyen for a term ending December 31, 2006; and that the City will defend and indemnify Ms. Johnston in accordance with the City's adopted defense and indemnification policy.

Adopted 11/4/05.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Michael Raeker, on behalf of Denise Bryn, from the decision of the Board of Adjustment which denied an application for a variance for a front yard setback along Marshall St NE from 15 feet to 3 feet to permit a detached garage at 500 Main St NE, now recommends that said appeal be granted for a variance for front yard setback from 15 feet to 4 feet, subject to the condition that the impervious surface between the proposed garage and the single family home be removed (a sidewalk connecting the garage to the home is allowed).

Adopted 11/4/05.

Z&P - Your Committee, having under consideration the appeal filed by Signia Design from the decision of the Planning Commission denying an application for a variance for more than one freestanding sign per zoning lot for a signature wall located near E River Rd and near the top of an existing building at 500 Harvard St SE for the University of Minnesota Medical Center-Fairview campus, now recommends that said appeal be granted.

Schiff moved to amend the report by deleting the word "granted" and inserting in lieu thereof, "denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/4/05.

Yeas, 9; Nays, 4 as follows:

Yeas – Johnson Lee, Benson, Goodman, Lane, Samuels, Colvin Roy, Schiff, Zerby, Ostrow.

Nays – Niziolek, Johnson, Zimmermann, Lilligren.

Z&P - Your Committee, having under consideration the appeal filed by Signia Design from the decision of the Planning Commission denying an application for a variance for more than one freestanding sign per zoning lot for a signature wall at 2414 – 7th St S for the University of Minnesota Medical Center-Fairview campus, now recommends that said appeal be granted.

Schiff moved to amend the report by deleting the word "granted" and inserting in lieu thereof, "denied, and that the related findings prepared by the Community Planning & Economic Development staff be adopted." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 11/4/05.

Yeas, 9; Nays, 4 as follows:

Yeas – Johnson Lee, Benson, Goodman, Lane, Samuels, Colvin Roy, Schiff, Zerby, Ostrow.

Nays – Niziolek, Johnson, Zimmermann, Lilligren.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Super Circus, LLC (BZZ-2593) to rezone the property at 2645 Hennepin Ave from C1 to the C2 District to permit a tattoo and body piercing parlor (St. Sabrina's Parlor), notwithstanding the staff recommendation, and that the findings prepared by the City Planning Commission be adopted.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/4/05.

Ordinance 2005-Or-104 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2645 Hennepin

Ave to the C2 District, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-104
By Schiff
1st & 2nd Readings: 11/4/05

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. All that part of Block 5, "King's Addition to Minneapolis", described as follows: Commencing at the Southeast corner of said Block 5; thence West along the South line of Block 5 to the East line of Hennepin Avenue Boulevard; thence Northeasterly along said Hennepin Avenue Boulevard 80 feet; thence East parallel with the South line of said Block 5 to the East line thereof; thence South to the point of beginning, except that part thereof lying South of a straight line drawn parallel with the South line of said tract from a point on the East line thereof distant 40 feet North of the Southeast corner thereof (Torrens Property, Certificate of Title No. 1159067) (2645 Hennepin Ave - Plate 24) to the C2 District. Adopted 11/4/05.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 529 of the Minneapolis Code of Ordinances relating to *Zoning Code: Interim Ordinances*, to bring the provisions of the zoning ordinance regulating interim ordinances into conformance with recent changes in State Statute, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinance be given its second reading for amendment and adoption. Adopted 11/4/05.

Ordinance 2005-Or-105 amending Title 20, Chapter 529 of the Minneapolis Code of Ordinances relating to Zoning Code: Interim Ordinances, to bring the provisions of the zoning ordinance regulating interim ordinances into conformance with recent changes in State Statute, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-105
By Schiff
Intro & 1st Reading: 9/2/05
Ref to: Z&P
2nd Reading: 11/4/05

Amending Title 20, Chapter 529 of the Minneapolis Code of Ordinances relating to Zoning Code: Interim Ordinances.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 529.30 of the above-entitled ordinance be amended to read as follows:

529.30. Hearing on interim ordinance. The zoning and planning committee of the city council shall hold a public hearing on a proposed interim ordinance or extension of an interim ordinance. The

city clerk shall publish notice of the time, place and purpose of the hearing at least once, not less than ten (10) days before the hearing, in a newspaper of general circulation. An interim ordinance not initiated by the city planning commission may be referred to the city planning commission for review and recommendation. Following the public hearing, the zoning and planning committee shall forward its recommendation to the full city council for final action. If the purpose of the hearing is the extension of the term of an interim ordinance, the hearing must be conducted at least fifteen (15) days but not more than thirty (30) days before the expiration of the interim ordinance.

Section 2. That Section 529.40 of the above-entitled ordinance be amended to read as follows:

529.40. Restrictions. (a) *Effective date.* In order to protect the planning process and the city's legitimate planning goals, upon introduction of an interim ordinance to the city council, or from the date the zoning and planning committee recommends the introduction of an interim ordinance to the city council at its next meeting; shall be the effective date of the interim ordinance. After the effective date of the interim ordinance no use, development, project or subdivision for which an application has not been filed prior to the effective date of the interim ordinance shall be established or expanded, nor shall any application for a building permit, administrative waiver, review or approval of any application, including an application for any zoning approval, which concerns the geographical area or subject matter of the interim ordinance filed after the effective date of the interim ordinance be granted or further processed, pending a final decision on the adoption of the interim ordinance. If the interim ordinance is adopted, no permits or other approvals of any kind which concern the geographical area or subject matter of the interim ordinance shall be processed or issued nor shall any use be established or expanded except in accordance with its terms. If the interim ordinance is not adopted, requests for permits and other necessary approvals shall be processed promptly in accordance with the procedures governing the request.

(b) *Scope of restrictions.* An interim ordinance may regulate, restrict or prohibit the establishment or expansion of any use, development, project or subdivision for a period not to exceed one (1) year from the date of final approval of the ordinance. The interim ordinance may be extended ~~for such additional periods as the city may deem appropriate and necessary to protect the planning process; for the following conditions and durations not to exceed eighteen (18) months:~~

(1) up to an additional one hundred twenty (120) days following the receipt of the final approval or review by a federal, state, or metropolitan agency when the approval is required by law and the review or approval has not been completed and received by the municipality at least 30 days before the expiration of the interim ordinance; or,

(2) up to an additional one hundred twenty (120) days following the completion of any other process required by a state statute, federal law, or court order, when the process is not completed at least 30 days before the expiration of the interim ordinance.

~~not exceeding a total additional period of eighteen (18) months.~~ An interim ordinance shall not apply to any subdivision which has been given preliminary approval ~~and for which any applicable appeal period has expired~~ or to any application for establishment or expansion of any use, development or project filed prior to the effective date of the interim ordinance.

Section 3. That Section 529.60 of the above-entitled ordinance be amended to read as follows:

529.60. Expiration of interim ordinance. An interim ordinance shall expire on the date or time specified in the ordinance, or upon completion of the study and adoption or amendment of the comprehensive plan or official controls affecting the geographic area or subject matter of the interim ordinance, whichever occurs first.

Adopted 11/4/05.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, establishing a reasonable limit on the minimum interior side and rear yard requirements for residential and hotel uses where such required yards are based on the height of the building in the commercial, downtown and industrial districts, now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that the following ordinances be given their second reading for amendment and adoption:

Chapter 548 relating to *Zoning Code: Commercial Districts*;

Chapter 549 relating to *Zoning Code: Downtown Districts*; and

Chapter 550 relating to *Zoning Code: Industrial Districts*.
Adopted 11/4/05.

Ordinance 2005-Or-106 amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts, amending Section 548.140 and Table 548-3 to establish a reasonable limit on the minimum interior side and rear yard requirements for residential and hotel uses where such required yards are based on the height of the building in the commercial districts, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-106
By Schiff
Intro & 1st Reading: 9/2/05
Ref to: Z&P
2nd Reading: 11/4/05

Amending Title 20, Chapter 548 of the Minneapolis Code of Ordinances relating to Zoning Code: Commercial Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 548.140 of the above-entitled ordinance be amended to read as follows:

548.140. Yard requirements. (a) *In general.* Unless subject to the provisions of sections (b) and (c) below, uses located in the commercial districts shall not be subject to minimum yard requirements.

(b) *Commercial districts near residence and office residence districts or residential structures.*

(1) *Front yard requirements.* Where a street frontage includes property zoned as a residence or office residence district and property zoned as a commercial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the commercial district for the first forty (40) feet from such residence or office residence district boundary or residential property.

(Graphic not amended)

(2) *Side yard requirements.* Where a side lot line abuts a side or rear lot line in a residence or office residence district, or abuts a side or rear lot line of a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such side lot line.

(Graphic not amended)

(3) *Rear yard requirements.* Where a rear lot line abuts a side or rear lot line in a residence or office residence district, or abuts a side or rear lot line of a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such rear lot line.

(Graphic not amended)

(4) *Reverse corner side yard requirements.* Where the extension of a corner side lot line coincides with a front lot line in an adjacent residence or office residence district, or with a front lot line of a structure used for permitted or conditional residential purposes, a yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided along such side lot line for the first forty (40) feet from such residence or office residence district boundary or residential property.

(Graphic not amended)

(c) *Residential uses and hotels.* Unless subject to a greater yard requirement in section (b) above, or in Chapter 535, Regulations of General Applicability, the uses listed in Table 548-3, Residential and Hotel Yard Requirements, shall be subject to the following minimum yard requirements:

Table 548-3 Residential and Hotel Yard Requirements

Yards	Required Yards for Single and Two-family Dwellings and Permitted Community Residential Facilities (Feet)	Required Yards for All Other Residential Uses and Hotels Where the Use Contains Windows Facing an Interior Side Yard or Rear Yard (Feet)
Front	15	0
Rear	5	5+2X <u>provided that this section (c) shall not require a minimum rear yard greater than fifteen (15) feet.</u>
Interior Side	5	5+2X <u>provided that this section (c) shall not require a minimum interior side yard greater than fifteen (15) feet.</u>
Corner Side	8	0

X = Number of stories above the first floor
Adopted 11/4/05.

Ordinance 2005-Or-107 amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts, amending Section 549.120 to establish a reasonable limit on the minimum interior side and rear yard requirements for residential and hotel uses where such required yards are based on the height of the building in the downtown districts, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-107
By Schiff
Intro & 1st Reading: 9/2/05
Ref to: Z&P
2nd Reading: 11/4/05

Amending Title 20, Chapter 549 of the Minneapolis Code of Ordinances relating to Zoning Code: Downtown Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 549.120 of the above-entitled ordinance be amended to read as follows:

549.120. Yard requirements. (a) *In general.* Unless subject to the provisions of subsections (b) and (c) below, uses located in the downtown districts shall not be subject to minimum yard requirements.

(b) *Downtown districts near residence and office residence districts.*

(1) *Front yard requirements.* Where a street frontage includes property zoned as a residence or office residence district and property zoned as a downtown district, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard shall be provided in the downtown district for the first forty (40) feet from such residence or office residence district boundary.

(Graphic not amended)

- (2) *Side yard requirements.* Where a side lot line abuts a side or rear lot line in a residence or office residence district, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such side lot line.

(Graphic not amended)

- (3) *Rear yard requirements.* Where a rear lot line abuts a side or rear lot line in a residence or office residence district, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such rear lot line.

(Graphic not amended)

- (4) *Reverse corner side yard requirements.* Where the extension of a corner side lot line coincides with a front lot line in an adjacent residence or office residence district, a yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard shall be provided along such side lot line for the first forty (40) feet from such residence or office residence district boundary.

(Graphic not amended)

- (c) *Side yard and rear yard requirements for residential uses and hotels.* Unless subject to a greater yard requirement in section (b) above, or in Chapter 535, Regulations of General Applicability, residential uses and hotels containing windows facing an interior side yard or rear yard shall provide an interior side yard or rear yard of at least five (5) feet plus two (2) feet for each story above the first floor provided that this section (c) shall not require a minimum interior side yard or rear yard greater than fifteen (15) feet.

Adopted 11/4/05.

Ordinance 2005-Or-108 amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts, amending Section 550.160 to establish a reasonable limit on the minimum interior side and rear yard requirements for residential and hotel uses where such required yards are based on the height of the building in the industrial districts, was adopted 11/4/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-108
By Schiff
Intro & 1st Reading: 9/2/05
Ref to: Z&P
2nd Reading: 11/4/05

Amending Title 20, Chapter 550 of the Minneapolis Code of Ordinances relating to Zoning Code: Industrial Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 550.160 of the above-entitled ordinance be amended to read as follows:

- 550.160. Yard requirements.** (a) *In general.* Unless subject to the provisions of sections (b) and (c) below, uses located in the industrial districts shall not be subject to minimum yard requirements.
- (b) *Industrial districts near residence and office residence districts or residential structures.*
- (1) *Front yard requirements.* Where a street frontage includes property zoned as a residence or office residence district and property zoned as an industrial district, or where a street frontage includes structures used for permitted or conditional residential purposes, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided in the industrial district for the first forty (40) feet from such residence or office residence district boundary or residential property.

(Graphic not amended)

- (2) *Side yard requirements.* Where a side lot line abuts a side or rear lot line in a residence or office residence district, or abuts a side or rear lot line of a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such side lot line.

(Graphic not amended)

- (3) *Rear yard requirements.* Where a rear lot line abuts a side or rear lot line in a residence or office residence district, or abuts a side or rear lot line of a structure used for permitted or conditional residential purposes, a yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot shall be provided along such rear lot line.

(Graphic not amended)

- (4) *Reverse corner side yard requirements.* Where the extension of a corner side lot line coincides with a front lot line in an adjacent residence or office residence district, or with a front lot line of a structure used for permitted or conditional residential purposes, a yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure shall be provided along such side lot line for the first forty (40) feet from such residence or office residence district boundary or residential property.

(Graphic not amended)

- (c) *Side yard and rear yard requirements for residential uses and hotels.* Unless subject to a greater yard requirement in section (b) above, or in Chapter 535, Regulations of General Applicability, residential uses and hotels containing windows facing an interior side yard or rear yard shall provide an interior side yard or rear yard of at least five (5) feet plus two (2) feet for each story above the first floor provided that this section (c) shall not require a minimum interior side yard or rear yard greater than fifteen (15) feet.

Adopted 11/4/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in denying the application of North Second Street Steel Supply Company, 2212 N 2nd St (#1463), to vacate a portion of 23rd Ave N between 1st St N (vacated) and 2nd St N, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 11/4/05. Yeas, 12; Nays, 1 as follows:

Yeas – Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Ostrow.

Nays – Johnson.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Sears, Roebuck and Company mail-order warehouse and retail store at 2843 Elliot Ave be designated as a landmark, and that the related findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Sears, Roebuck and Company warehouse and store as a landmark.

Adopted 11/4/05.

Resolution 2005R-611, designating the Sears, Roebuck and Company mail-order warehouse and retail store at 2843 Elliot Ave as a landmark, was adopted 11/4/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-611

By Schiff

Designating the Sears, Roebuck and Company Mail-Order Warehouse and Retail Store at 2843 Elliot Avenue as a Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held public hearings on October 11, 2005 and recommended to the Standing Committee on Zoning and Planning that the Sears, Roebuck and Company Mail-Order Warehouse and Retail Store, located at 2843 Elliot Avenue, meets designation criteria 1 as an example of the early phase in the development of a major retailer in the United States and meet designation criteria 4 as a well-preserved example of the industrial designs of George Nimmons and Company; and

Whereas, prior to such recommendation and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did hold a nomination public meeting on August 23, 2005; and further did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on September 19, 2005; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such favorable comment being made in the letter of August 3, 1995; and

Whereas, on October 27, 2005 the Standing Committee on Zoning and Planning recommended designation as a landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Sears, Roebuck and Company Mail-Order Warehouse and Retail Store at 2843 Elliot Avenue, is hereby designated as a landmark.

Adopted 11/4/05.

MOTIONS

Johnson moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2005, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/4/05.

Johnson introduced the subject matter of an ordinance amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally, which was given its first reading and referred to the Zoning & Planning Committee (extending the 44th Avenue North Pedestrian Oriented Overlay District to the east to Webber Parkway).

Zerby introduced the subject matter of an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (extending the time period for which notice of a disorderly use may be sent and including the requirement that the licensee successfully complete a property owner's workshop).

Zerby introduced the subject matter of an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Noise, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (defining noisy and unruly assemblies; providing for administrative, civil and criminal enforcement of violations related to noisy and unruly assemblies and for the recovery of subsequent enforcement and response costs; and establishing a notification system applicable to noisy and unruly assemblies).

Zerby introduced the subject matter of an ordinance amending Title 1, Chapter 2 of the Minneapolis Code of Ordinances relating to General Provisions: Administrative Enforcement and Hearing Process, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending provisions related to the schedule of civil fines to allow for the adopted fine schedule to include as a separate part of any specified civil fine a charge for actual costs of enforcement or emergency response directly related to the administrative violation).

Johnson Lee introduced the subject matter of an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program, which was given its first reading and referred to the Health & Human

Services Committee (continuing the Small and Underutilized Business Program for 18 months to allow for completion of disparities study).

Ostrow introduced the subject matter of an ordinance amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: In General, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 385.380 entitled “Trespassing upon the land of another” to conform with amended State Trespassing Statute).

Schiff moved to introduce the subject matter of an ordinance amending Title 12, Chapter 250 of the Minneapolis Code of Ordinances relating to Housing: Condominium Conversions, for first reading and referral to the Public Safety & Regulatory Services Committee (re truth in sale in housing and inspections notice requirements and purchase rights, and adding a city approval process, relocation benefits, violations for failure to comply with the ordinance, a warranty escrow fund and affordable housing protections). Seconded.

Goodman moved to substitute a motion to introduce the subject matter of an ordinance amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances relating to Housing: Truth in Sale of Housing; and 250.120 Condominium Conversions, Truth In Housing Disclosure Report Required, for first reading and referral to the Public Safety & Regulatory Services Committee. Seconded.

Schiff called for the Chair to find Goodman’s motion out of order because it was not on the approved agenda.

Chair Ostrow ruled the subject matter of the Schiff introduction and the Goodman introduction were related and therefore Goodman’s motion to substitute was in order.

Schiff appealed the ruling of the Chair.

Chair Ostrow’s ruling lost upon a voice vote 11/4/05.

Schiff’s motion to introduce the above-mentioned ordinance lost 11/4/05. Yeas, 6; Nays, 7 as follows:

Yeas – Johnson Lee, Samuels, Zimmermann, Schiff, Zerby, Lilligren.

Nays – Niziolek, Benson, Goodman, Lane, Johnson, Colvin Roy, Ostrow.

UNFINISHED BUSINESS

Comm Dev – Your Committee, having under consideration passage of the accompanying resolution granting preliminary and final approval of up to \$3,250,000 in tax-exempt Multifamily Housing Development Revenue Bonds for a project at 2100 Bloomington Av S, now recommends that said resolution be **sent forward without recommendation**.

The report was postponed by unanimous consent 11/4/05.

Comm Dev – Your Committee, having under consideration a proposal of The Minnesota Opera Company to purchase and rehabilitate a former warehouse located at 749 Stinson Blvd NE and a request for revenue bond financing, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1.3 million in Bank Qualified Bank Direct 501(c)(3) Revenue Bonds for The Minnesota Opera Company.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Goodman moved that the report be postponed. Seconded.

The report was postponed by unanimous consent 11/4/05.

NEW BUSINESS

Zerby introduced an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Open Air Motor Vehicle Parking*, which was

given its first reading and referred to the Public Safety & Regulatory Services Committee (eliminating additional charges for towed or immobilized motor vehicles).

Johnson introduced an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, which was given its first reading and referred to the Ways & Means/Budget Committee for a public hearing to be held Monday, November 14, 2005 (clarifying the terms of Section 20.900 relating to COBRA Medical and Dental Insurance Premiums and changing the expiration date to December 31, 2008).

Lilligren moved to adjourn to Room 317, City Hall on November 10, 2005 at 1:10 p.m., for the purpose of certifying the results of the General Election held on November 8, 2005, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of November 4, 2005. Seconded.

Adopted upon a voice vote 11/4/05.

Merry Keefe,
City Clerk.

Unofficial Posting: 11/07/2005
Official Posting: 11/10/2005
Correction: 11/22/2005; 1/26/2006; 6/29/2006